United Nations

S/PV.3773

Security Council

Fifty-second Year

Provisional

3773rd Meeting

Wednesday, 30 April 1997, 10.55 p.m.
New York

President:	Mr. Monteiro	(Portugal)
Members:	Chile	Mr. Larraín
	China	Mr. Liu Jieyi
	Costa Rica	Ms. Incera
	Egypt	Mr. Aboul-Magd
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Lopes da Rosa
	Japan	Mr. Konishi
	Kenya	Mr. Mahugu
	Poland	Mr. Wlosowicz
	Republic of Korea	Mr. Choi
	Russian Federation	Mr. Sergeev
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Wood

Agenda

The situation in the Great Lakes region

97-85522 (E)

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The meeting was called to order at 10.55 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Great Lakes region

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council reaffirms the statement of its President of 24 April 1997 (S/PRST/1997/22) and welcomes the recent agreement by the President of Zaire and the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL) on a time and venue for a meeting to discuss a peaceful and negotiated settlement of the conflict in Zaire. It reiterates its full support for the United Nations five-point peace plan, endorsed by its resolution 1097 (1997) of 18 February 1997, calls for an immediate cessation of hostilities, and especially calls for both parties to reach a rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.
>
> "The Security Council notes the commitment by the leader of the ADFL to allow United Nations and other humanitarian agencies access to refugees in eastern Zaire in order to provide humanitarian assistance and to implement the repatriation plan of the United Nations High Commissioner for Refugees (UNHCR), including the use of both airports in Kisangani. It also notes his commitment to be flexible regarding the duration of the repatriation operation, which should move ahead as quickly as possible. It expresses concern at reports of obstruction of humanitarian assistance efforts but notes that humanitarian access has improved recently. It calls on the ADFL to abide by these commitments and to enable the UNHCR repatriation plan to be implemented without conditions or delay.
>
> "The Security Council also expresses its deep concern regarding the continuing reports of massacres, other atrocities and violations of international humanitarian law in eastern Zaire. In this context, it reiterates its call upon the ADFL and others concerned in the region to cooperate fully with the recently established United Nations investigative mission by ensuring unimpeded access to all areas and sites under investigation, as well as the security of the members of the mission. It attaches great importance to the commitment of the leader of the ADFL to take appropriate action against members of the ADFL who violate the rules of international humanitarian law concerning the treatment of refugees and civilians.
>
> "The Security Council will remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1997/24.

Before closing the meeting, I wish to thank you very much for all the cooperation during this month of my presidency. I really enjoyed being here and working with all of you, my colleagues, and with the Secretariat. I am very grateful to all of you. Thank you very much.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11 p.m.

United Nations

S/PV.3774

Security Council

Fifty-second Year

Provisional

3774th Meeting

Thursday, 8 May 1997, 12.45 p.m.
New York

President:	Mr. Park	(Republic of Korea)
Members:	Chile	Mr. Somavía
	China	Mr. Wang Xuexian
	Costa Rica	Mr. Sáenz Biolley
	Egypt	Mr. Awaad
	France	Mr. Thiebaud
	Guinea-Bissau	Mr. Cabral
	Japan	Mr. Tanaka
	Kenya	Mr. Mahugu
	Poland	Mr. Matuszewski
	Portugal	Mr. Soares
	Russian Federation	Mr. Gatilov
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Mr. Richmond
	United States of America	Mr. Wood

Agenda

The situation in Georgia

Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1997/340)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 12.45 p.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of May, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. António Monteiro, Permanent Representative of Portugal to the United Nations, for his service as President of the Security Council for the month of April 1997. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Monteiro for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation in Georgia

Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1997/340)

The President: I should like to inform the Council that I have received a letter from the representative of Georgia, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Chkheidze (Georgia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General concerning the situation in Abkhazia, Georgia, document S/1997/340.

I should like to draw the attention of the members of the Council to the following other documents: S/1997/268, letter dated 1 April 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General; S/1997/339, letter dated 28 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council; and S/1997/345, letter dated 30 April 1997 from the Permanent Representatives of Azerbaijan and Georgia to the United Nations addressed to the Secretary-General.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council has considered the report of the Secretary-General concerning the situation in Abkhazia, Georgia, of 25 April 1997 (S/1997/340). It has also taken note of the letter of the Permanent Representative of the Russian Federation to the Secretary-General of 1 April 1997 (S/1997/268) and of the letter of the Permanent Representative of Georgia to the President of the Security Council of 28 April 1997 (S/1997/339).
>
> "The Security Council reiterates its full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.
>
> "The Security Council reaffirms its full support for a more active role for the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement.
>
> "The Security Council acknowledges the efforts in support of the peace process of the Secretary-General and his Special Envoy, with the assistance of the Russian Federation as facilitator, and the Organization for Security and Cooperation in Europe and the Group of Friends of the Secretary-General on Georgia as mentioned in the report of the Secretary-General of 25 April 1997.
>
> "In this context, the Security Council fully supports the proposals made by the Secretary-General in his report of 25 April 1997 to strengthen the involvement of the United Nations in the peacemaking process. It fully supports, in particular, the intention of the Secretary-General to convene a meeting with both sides to map out the areas where concrete political progress can be made. The Council encourages the

Secretary-General to explore the idea of revitalizing the Coordinating Commission and establishing expert groups on questions of mutual interest.

"The Security Council welcomes the intention of the Secretary-General to appoint a resident Special Representative, as a successor to his current Special Envoy for Georgia, and to strengthen the political element of the United Nations Observer Mission in Georgia (UNOMIG).

"The Security Council further encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, in order to ensure a prompt and safe return of the refugees and displaced persons to their homes, with the assistance of all relevant international organizations. The Council takes note of the initiation of activities by the United Nations Human Rights Office in Abkhazia, Georgia.

"The Security Council continues to stress that the primary responsibility for reinvigorating the peace process rests upon the parties themselves. It welcomes the continuation of direct dialogue between the parties. The Council calls upon them, in particular the Abkhaz side, to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties. The Council notes the appeal of the Secretary-General to both parties to pursue the current discussions on the implementation of the decisions of 28 March 1997 adopted by the Council of Heads of State of the Commonwealth of Independent States (CIS) (S/1997/268, annexes I and II).

"The Security Council remains deeply concerned at the continued deterioration of the security conditions in the Gali region, including acts of violence by armed groups, indiscriminate laying of mines and armed robbery, and the resulting deterioration of the safety and security of the local populations, of the refugees and displaced persons returning to the region, and of the personnel of UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force). The Council condemns the acts of violence which have led to the loss of life of members of the CIS peacekeeping force. It welcomes the intention of the Secretary-General to continue to make every effort to build upon the positive results recently achieved in order to improve the safety of the military observers and the operational effectiveness of UNOMIG.

"The Security Council reminds the parties of their obligation to ensure the safety and freedom of movement of UNOMIG and the CIS peacekeeping force, and, in particular, to prevent the laying of mines.

"The Security Council welcomes the good cooperation between UNOMIG and the CIS peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict.

"The Security Council also welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, and encourages further contributions to that end. It also reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Cease-fire and Separation of Forces (S/1994/583, annex I) and/or for humanitarian aspects, including demining, as specified by donors.

"The Security Council requests the Secretary-General to continue to keep it closely informed of the situation."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1997/25.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1 p.m.

United Nations S/PV.3775

Security Council

Fifty-second Year

Provisional

3775th Meeting

Thursday, 8 May 1997, 1 p.m.
New York

President:	Mr. Park	(Republic of Korea)
Members:	Chile	Mr. Somavía
	China	Mr. Wang Xuexian
	Costa Rica	Mr. Sáenz Biolley
	Egypt	Mr. Awaad
	France	Mr. Thiebaud
	Guinea-Bissau	Mr. Cabral
	Japan	Mr. Tanaka
	Kenya	Mr. Mahugu
	Poland	Mr. Matuszewski
	Portugal	Mr. Soares
	Russian Federation	Mr. Gatilov
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Mr. Richmond
	United States of America	Mr. Wood

Agenda

The situation in Croatia

Letter dated 29 April 1997 from the Secretary-General addressed to the President of the Security Council (S/1997/343)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 1 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Croatia

Letter dated 29 April 1997 from the Secretary-General addressed to the President of the Security Council (S/1997/343)

The President: I should like to inform the Council that I have received a letter from the representative of Croatia, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Simonović (Croatia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1997/343, which contains the text of a letter dated 29 April 1997 from the Secretary-General addressed to the President of the Security Council. I should like to draw the attention of the members of the Council to document S/1997/348, which contains the text of a letter dated 2 May 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General, drawing attention to the statement on the elections in Croatia issued by the European Union on 30 April 1997.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council welcomes the letter of the Secretary-General of 29 April 1997 (S/1997/343), which conveys the conclusions of the Transitional Administrator regarding the successful holding of the elections in the region of Eastern Slavonia, Baranja and Western Sirmium in the Republic of Croatia beginning on 13 April 1997, under the direction of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES).
>
> "The Security Council shares the assessment of the Transitional Administrator that the holding of these elections has been an essential step for further progress in the peaceful reintegration of the region and marks an important milestone for the legitimate representation of the local population in the Croatian constitutional and legal system. It urges early formation of the newly elected bodies of local government and prompt and full implementation of the undertakings contained in the Basic Agreement (S/1995/951, annex) and the letter from the Government of Croatia of 13 January 1997 (S/1997/27, annex), including the establishment of the Joint Council of Municipalities and the appointment of local Serbs to the guaranteed positions in the parliamentary and administrative structures of Croatia.
>
> "The Security Council underlines the Transitional Administrator's finding that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections. The Council welcomes the good-will and sense of cooperation demonstrated by the parties to the process.
>
> "The Security Council emphasizes the importance of the two-way return of all displaced persons in Croatia, as well as the right of residents of a State to choose freely where they wish to live. In this context, it welcomes the Agreement of the Joint Working Group on the Operational Procedures of Return (S/1997/341, annex). It urges the Government of Croatia strictly to implement this Agreement. The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement and stresses the need to respect human rights, including rights of persons belonging to minorities, throughout the country, in order to ensure the success of the process of reintegration.
>
> "The Security Council expresses its appreciation to UNTAES and to those elements of the international community, including observers from the Organization for Security and Cooperation in Europe, the Council of Europe and members of

the diplomatic community, whose efforts made possible the successful holding of elections. The Council commends UNTAES for resolving technical difficulties by taking decisive actions, which contributed significantly to the successful holding of the elections.

"The Security Council looks forward to the recommendations of the Secretary-General, in the light of the parties' progress towards fulfilling the Basic Agreement, for the further United Nations presence in Eastern Slavonia, Baranja and Western Sirmium, possibly a restructured UNTAES, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning from 16 July 1997, in accordance with its resolution 1079 (1996)."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1997/26.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.10 p.m.

United Nations S/PV.3776

Security Council

Fifty-second Year

Provisional

3776th Meeting

Friday, 16 May 1997, 11.35 a.m.
New York

President:	Mr. Park	(Republic of Korea)
Members:	Chile	Mr. Larraín
	China	Mr. Liu Jieyi
	Costa Rica	Ms. Incera
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Lopes da Rosa
	Japan	Mr. Konishi
	Kenya	Mr. Mahugu
	Poland	Mr. Wlosowicz
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Gatilov
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Hume

Agenda

The situation in Bosnia and Herzegovina

Letter dated 5 May 1997 from the Secretary-General addressed to the President of the Security Council (S/1997/351)

Report of the Secretary-General pursuant to Security Council resolution 1088 (1996) (S/1997/224 and Add.1)

97-85552 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, ***within one week of the date of publication***, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 11.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 5 May 1997 from the Secretary-General addressed to the President of the Security Council (S/1997/351)

Report of the Secretary-General pursuant to Security Council resolution 1088 (1996) (S/1997/224 and Add.1)

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Germany and Italy, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sacirbey (Bosnia and Herzegovina) took a seat at the Council table; Mr. Henze (Germany) and Mr. Fulci (Italy) took the seats reserved for them at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to Security Council resolution 1088 (1996), documents S/1997/224 and addendum 1, and the letter dated 5 May 1997 from the Secretary-General addressed to the President of the Security Council, document S/1997/351. Members of the Council also have before them document S/1997/371, which contains the text of a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/1997/371) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Chile, China, Costa Rica, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1107 (1997).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.45 a.m.

United Nations
S/PV.3777

Security Council

Fifty-second Year

Provisional

3777th Meeting

Tuesday, 20 May 1997, 1.40 p.m.
New York

President:	Mr. Park	(Republic of Korea)
Members:	Chile	Mr. Espinosa
	China	Mr. Liu Jieyi
	Costa Rica	Mr. Sáenz Murillo
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Sane
	Japan	Mr. Konishi
	Kenya	Mr. Mahugu
	Poland	Mr. Wlosowicz
	Portugal	Ms. Gomez
	Russian Federation	Mr. Gatilov
	Sweden	Mr. Lidén
	United Kingdom of Great Britain and Northern Ireland	Mr. Richmond
	United States of America	Mr. Wood

Agenda

Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)

97-85566 (E)

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The meeting was called to order at 1.40 p.m.

Adoption of the agenda

The agenda was adopted.

Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council takes note with concern of reports that Libyan-registered aircraft flew from Libya to Niger on 8 May 1997 and returned to Libya from Nigeria on 10 May in violation of resolution 748 (1992). The Council has requested the Committee established pursuant to resolution 748 (1992) to follow up this matter directly with the representatives of Libya, Niger and Nigeria. The Council calls upon all States to fulfil their obligations under resolution 748 (1992) in the event that aircraft flights originating in Libya seek to land in their territory.
>
> "The Security Council takes note of the letters from the Permanent Representative of Libya dated 16 May 1997 (S/1997/373), from the Permanent Representative of Niger, dated 13 May 1997, and the note verbale from the Permanent Representative of Nigeria, dated 15 May 1997. The Security Council recalls that paragraph 4 of resolution 748 (1992) decided that all States shall deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of Libya, unless the particular flight has been approved on grounds of significant humanitarian need by the Committee established pursuant to paragraph 9 of the resolution."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1997/27.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.45 p.m.

United Nations S/PV.3778

Security Council

Fifty-second Year

Provisional

3778th Meeting

Wednesday, 21 May 1997, 10.30 a.m.
New York

President:	Mr. Yoo	(Republic of Korea)
later:	Mr. Park	
Members:	Chile	Mr. Larraín
	China	Mr. Wang Xuexian
	Costa Rica	Ms. Incera
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Lopes da Rosa
	Japan	Mr. Owada
	Kenya	Mr. Mahugu
	Poland	Mr. Wlosowicz
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Lavrov
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

Protection for humanitarian assistance to refugees and others in conflict situations

97-85579 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 10.55 a.m.

Adoption of the agenda

The agenda was adopted.

Protection for humanitarian assistance to refugees and others in conflict situations

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Armenia, Bosnia and Herzegovina, Brazil, Burundi, Canada, Cuba, Germany, India, Iraq, Italy, Malaysia, the Netherlands, Norway, Pakistan, Rwanda, Slovenia, Ukraine and Zimbabwe in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Ramírez (Argentina), Mr. Abelian (Armenia), Mr. Sacirbey (Bosnia and Herzegovina), Mr. Amorim (Brazil), Mr. Nsanze (Burundi), Mr. Karsgaard (Canada), Mr. Núñez-Mosquera (Cuba), Mr. Henze (Germany), Mr. Shah (India), Mr. Hamdoon (Iraq), Mr. Terzi di Sant'Agata (Italy), Mr. Hasmy (Malaysia), Mr. Biegman (Netherlands), Mr. Biørn Lian (Norway), Mr. Kamal (Pakistan), Mr. Kayinamura (Rwanda), Mr. Türk (Slovenia), Mr. Zlenko (Ukraine) and Mr. Sengwe (Zimbabwe) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 19 May 1997 from Mr. Soren Jessen-Petersen, Director of the Liaison Office of the United Nations High Commissioner for Refugees, which reads as follows:

> "I would like to request, on behalf of the United Nations High Commissioner for Refugees, that I be allowed to address the Security Council in connection with the item on its agenda, without the right to vote, in accordance with rule 39 of the Council's provisional rules of procedure".

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Soren Jessen-Petersen.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 19 May 1997 from Mr. Stephen Lewis, Deputy Executive Director of United Nations Children's Fund (UNICEF), which reads as follows:

> "On behalf of UNICEF, and under rule 39 of the Council's provisional rules of procedure, I am writing to request that I be allowed to address the Security Council's open meeting to consider the item 'Protection for humanitarian assistance to refugees and others in conflict situations' on Wednesday, 21 May 1997".

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Stephen Lewis.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 20 May 1997 from the Deputy Permanent Representative of the Republic of Korea to the United Nations, which has been issued as document S/1997/386, and reads as follows:

> "I have the honour to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to Mr. Peter Küng, head of the delegation of the International Committee of the Red Cross to the United Nations, in connection with the consideration of the item entitled 'Protection for humanitarian assistance to refugees and others in conflict situations'."

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Peter Küng.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, if I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs, and Emergency Relief Coordinator.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

The first speaker is Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Akashi (Under-Secretary-General for Humanitarian Affairs): I cannot but congratulate you, Mr. President, on presiding over this meeting. You are an old friend and a very experienced diplomat, well-known to all of us. I am delighted to see you presiding over the meeting.

I wish to express appreciation to the Security Council for putting the issue of protection for civilians in conflict on its agenda, and I welcome this opportunity of sharing with members the views of the United Nations and those of the humanitarian community.

We live in a time with an unparalleled need for protection. From the humanitarian viewpoint, it often appears that we live in a world engulfed by crises that threaten a growing number of civilians. The figures speak for themselves. Today, some 90 per cent of the victims are civilians; in the First World War, only 10 per cent of victims were non-combatants. Some 80 per cent of the people in need of protection are women and children. The United Nations Children's Fund (UNICEF) estimates that during the last two years, 2 million children have been killed in warfare, and some 12 million have been made homeless. An estimated 42 million people worldwide were dependent on humanitarian assistance in 1995; that figure is 60 per cent higher than it was 10 years before.

Such a dramatic increase in the number of people in need of assistance is compounded by the complexity and nature of contemporary crises and the difficulty of relying on traditional protection instruments to safeguard the basic rights and integrity of people endangered by conflict. The majority of people in need of assistance are displaced in their own countries or trapped in besieged cities, and are often in need of protection from the very authorities that are responsible for their safety. Recent estimates indicate that there are 22 million to 24 million internally displaced persons worldwide, greatly outnumbering the 16 million refugees who have sought asylum or have recently been repatriated.

The growing number of people who are displaced and of others who are adversely affected by warfare highlights the importance of reformulating our understanding of protection requirements and points to the timeliness of this debate today. The most compelling and problematic challenge confronting humanitarian actors in today's conflict zones is the difficultly of providing assistance in hostile environments where civilians are directly targeted and the work of relief agencies is deliberately obstructed. When people are forcibly uprooted and pushed from their homes, and the aim of warfare is to inflict maximum pain, protection requirements are quite different from what was needed in more traditional humanitarian assistance operations.

As we redefine protection needs, we are in effect redefining threats to the peace. There is a growing recognition that security, first and foremost, concerns the well-being of people, and that it is not of lesser value than the security of States. Increasingly, the concept of sovereignty is fundamentally linked to the ability of States to respect and safeguard the security of their citizens.

The vast majority of crises confronting the world today are essentially political in nature, notwithstanding their dramatic humanitarian implications. When confronted with emerging crises, the Security Council must be quick to respond. It must be bold, determined and imaginative in creating conditions necessary for a durable solution. This is one of the most important goals of the Security Council and represents the best support it can provide to organizations concerned with the humanitarian dimension of crises. Allowing situations to fester is harmful to the cause of protection and the well-being of endangered people, and it complicates the task of securing a viable and lasting peace.

A basic condition for the effectiveness of any Security Council-initiated action is that mandates be appropriate to the task. Half-measures are likely to do more harm than good. Experience from Bosnia, Rwanda and Somalia shows that when war strategies are designed to harm civilians, the issue of protection cannot be divorced from the dynamics of the crisis and the action necessary to stop the violence. In order to resolve crises and address the protection needs of innocent civilians, long-term solutions must be sought, and Security Council-mandated missions must be given the tools necessary to deal with conflict situations.

Another fundamental precondition for effective response is the importance of not operating in a policy vacuum. It is worth recalling that the chief finding of the multi-donor study on the response to the crisis in Rwanda in 1994 is that it is harmful and unhelpful to all when humanitarian operations become a substitute for political and other action needed to resolve conflicts.

There must be greater appreciation of the vital but limited role of humanitarian assistance in alleviating suffering and, by extension, the effects of war. The provision of humanitarian assistance in a vacuum is tantamount to managing only the symptoms of a crisis. In such circumstances it is difficult, if not impossible, for humanitarian assistance to be effective, as relief supplies are often diverted to warring parties. Access to vulnerable people is denied or obstructed, and relief workers effectively find themselves in situations where the international community is unwilling to deploy peacekeeping troops.

Erosion of and disrespect for fundamental humanitarian norms are of great concern to the Secretary-General. We are concerned that in many settings a culture of impunity prevails, and heinous crimes, however shocking, are perpetrated with abandon. The Security Council may wish to be more forceful in getting relevant authorities to respect the rights of victims to assistance and protection and initiating action which will hold perpetrators accountable.

In this connection, it is worth noting that it has on occasion been possible to get all parties to agree to a set of principles which ensure access to all populations in need of assistance. Security Council support for this type of arrangement could prove useful in many settings. It is also of great concern that relief workers are often targeted and killed for the specific purpose of disrupting relief operations and the lifelines these often represent. There is a danger that, as these acts become more and more commonplace, our threshold of tolerance becomes higher. The Security Council needs to take a clear stand on all such violations of humanitarian law and use its prestige and authority to hold relevant parties accountable.

The 1994 international Convention on the Safety of United Nations and Associated Personnel covers a limited number of United Nations staff on specific peacekeeping operations. There is a need either to expand it to cover all relief workers in conflict settings, or to develop additional international instruments for that purpose.

Effective protection policy and action by the Council also require that core humanitarian principles be respected. When humanitarian assistance is perceived or used as a tool to achieve political objectives, however worthy, it undermines protection activities and may well jeopardize the lives of those involved. Experience from Bosnia and the Great Lakes illustrates the importance of shielding protection work from political consultations and operational concerns regarding relief programmes in conflict settings.

No one will argue against the importance of a coherent and holistic approach and decisions which reflect an informed analysis of the crisis. The essential elements of such an approach include regular and structural interaction with humanitarian agencies, including United Nations and non-governmental organization actors.

My office namely — that of the United Nations Emergency Relief Coordinator - is in a unique position to organize and facilitate such consultations. My office is also in a position to ensure that the proposals and perspectives of the Inter-Agency Standing Committee, consisting of the executive heads of United Nations humanitarian agencies, political societies, and the three major consortiums of non-governmental organizations are readily available for consultation as appropriate.

Fact-finding by the Security Council in crisis zones could also prove a useful means of engaging Council members in low-profile emergencies, while simultaneously contributing to an improved understanding of the realities on the ground.

Earlier I referred to the importance of rapid reaction in emerging crises and the mandates which are appropriate to that task. If, as also proposed, the Security Council is familiar with concerns and perspectives emerging from the humanitarian arena, then the task of ensuring that Security Council mandates address protection needs will be that much easier.

Joint contingency planning by the Departments of Political Affairs, Peacekeeping Operations and

Humanitarian Assistance already takes place, but greater consultation and interaction with the Security Council will also help ensure better synergy and minimize the risk of different entities operating in isolation from each other.

In conclusion, I wish to stress the importance of not taking a selective approach to protection issues. Whenever children and their parents are abused, it is important that their protection needs be addressed as a whole.

The President: I thank Mr. Akashi for his kind words addressed to me.

The next speaker is Mr. Soren Jessen-Petersen, Director of the New York Liaison Office of the United Nations High Commissioner for Refugees (UNHCR), to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Jessen-Petersen (Office of the United Nations High Commissioner for Refugees): On behalf of Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees, I would like to thank you, Mr. President, and the other members of the Council for the timely initiative to hold this open debate. Mrs. Ogata very much regrets that she cannot be here today.

As the international humanitarian organization mandated by the United Nations to protect victims of forced displacement and to seek solutions to their plight, the Office of the United Nations High Commissioner for Refugees (UNHCR) welcomes the Council's increased involvement in, and support for, humanitarian action.

In the past few years, the problem of forced displacement has increased in scope, complexity and political importance. In 1990, 15 million persons were under UNHCR's mandate. Today, UNHCR is responsible for 26 million refugees, returnees and displaced persons. Furthermore, there are estimates of a similar number of unprotected and unassisted internally displaced victims of conflict.

Today's refugee movements are often massive and rapid. At times, forcible displacement is the very objective of a conflict, not just a by-product. Many conflicts pit one group against another. Those fleeing are often an explosive mix of the defeated government and army, sometimes still armed, as well as innocent women and children.

In such situations, solutions become much more difficult to reach. Insisting on the right of those forcibly displaced to return may be to insist that the very goal of the conflict be reversed. Allowing the defeated group, collectively or individually, to return home might pose a real threat to those who have replaced them in power.

At the same time, the flight of such groups has resulted in increasingly politicized and militarized refugee populations, causing serious tensions in inter-State relations — in itself not a new phenomenon. Tensions among rival groups of nationals in asylum countries are exacerbated by such refugee populations and are likely to threaten, or to be threatened by, countries of origin.

Although many lives have been saved, the responses to the mega-crises of the 1990s have often been ad hoc and improvised. While agencies such as ours do not have the option of choosing when and when not to intervene, political involvement is often selective. As the High Commissioner said during her last briefing to the Council, we need an integrated approach to crisis management in which all dimensions — humanitarian, developmental and, above all, political — are addressed in a mutually reinforcing manner. The interface between human security on the one hand, and national and international security on the other, must be recognized. Humanitarian action aimed at solving the predicament of refugees can support peaceful efforts. In turn, humanitarian action needs political and sometimes security action. Leaving refugee problems unaddressed for too long may deepen, spread and even internationalize conflict. We believe that far more could be achieved if, next to the improved humanitarian response capacity of the United Nations, there were also an early political and security respo[illegible] capacity.

There are a number of shortfalls in today's international response to humanitarian crises: first, despite the efforts of the International Committee of the Red Cross (ICRC) and UNHCR's much more limited action, there are still millions of persons forcibly displaced within their own countries who are neither protected nor assisted. Although primarily a State responsibility, it is also an international responsibility to agree on more predictable arrangements to manage and resolve such issues.

Secondly, humanitarian action is not just about relief, such as food, water and shelter, although these are important. It is also about ensuring physical protection, which is much more difficult, dangerous and sensitive.

The challenge must be to bring safety to people rather than people to safety. There are conflict situations in which such safety can be provided only through military involvement — a readiness to use force to ensure human security if necessary.

Thirdly, it must be clear that the primary responsibility for ensuring the survival and protection of refugees and other victims lies with whoever is in control, be it a State or non-State actor. Non-State actors aspiring to achieve statehood must be held accountable for their behaviour before, during and after reaching their goals.

Fourthly, humanitarian organizations should not be left alone to resolve refugee situations that are clearly politicized or militarized. Humanitarian actors are not capable of separating the wolf from the sheep. Separation is a political action, albeit a humanitarian necessity. There is an urgent need to reaffirm the principle of the civilian and humanitarian nature of refugee camps, and of the primary responsibility of asylum countries to ensure respect for this principle, if necessary with the assistance of the international community. Refugees must also be located away from borders. Refugee flows should not be exploited, neither by exiled leaders nor by host countries. In our view, the time has come to remind the international community that granting asylum is a humanitarian and politically neutral act.

Fifthly, with asylum under threat and asylum-seekers becoming easy prey in domestic political debates, there is a worrisome trend to force refugees back in conditions that are neither safe nor viable. To be admitted to safety and not to be forced back into situations of danger is a fundamental human right. Premature repatriation endangers life and may be a threat to fragile peace. From our experience, repatriation on a voluntary basis is the best guarantee against such risks. There are times, however, when UNHCR may have to accept that for refugees, returning to conditions of fragile peace may be a lesser evil, or provide better protection, than remaining in conditions of physical insecurity.

Concerted international action and attention by the Council to these five areas of concern would strengthen crisis management.

At the same time, three main conditions are indispensable for humanitarian action, forming the humanitarian space needed for our operations. These are staff security, unrestricted access to people in need of humanitarian protection and assistance, and respect for the impartiality and integrity of humanitarian operations. All three are under threat.

First, humanitarian staff are increasingly operating in areas of conflict — alone, exposed and unprotected. As the ears and eyes of the international community, they may represent hope for some but obstacles and a threat for others.

In such conflict situations, we urge that humanitarian staff not be left alone without military support and protection for more than a short-term emergency period. Furthermore, we urge that political leverage, possibly including targeted and selected sanctions, be considered against both State and non-State actors endangering the lives of humanitarian staff.

There is, moreover, a need to reaffirm existing norms. Aggressors against humanitarian staff must be held accountable through international criminal jurisdictions. In this connection, we regret that the Convention on the Safety of United Nations and Associated Personnel fails explicitly to address the safety of civilian humanitarian staff of the Organization and of non-United Nations agencies. There is no reason why they should not be automatically covered. Why should the security of humanitarian personnel deserve less international protection than other categories of international military, police or civilian staff? Today, humanitarian staff are often exposed to greater risks.

Secondly, access to victims must be recognized and supported as a right for those in need to receive protection and assistance, and not as a favour or concession granted by those in control. Access must be free and unrestricted — not subject to conditions. There should be a presumption that those denying access are acting out of motives other than concern for those to whom we are seeking access.

Thirdly, like our partners, we are especially concerned about the difficulties in preserving our image of political neutrality. Humanitarian action must be based solely on the human needs of the victims. Yet in today's inter-group conflicts, helping the victims of one group makes humanitarian actors an immediate suspect, if not enemy, to the other. Humanitarian action must be depoliticized. This also means that when humanitarian action complements international political action in the integrated crisis response we advocate, it should not be subordinated to it.

We hope that today's debate will help to clarify the issues and define areas where political support from the Council would complement and reinforce humanitarian action. In our view, the Council could play an important role in four areas: first, by setting the indispensable political parameters for humanitarian action, in general and in specific operations; secondly, by exerting diplomatic pressure when necessary; thirdly, by being prepared to consider military protection of humanitarian operations in high-risk situations; and fourthly, by providing support to meet the security concerns that I outlined earlier, and, in this connection, by recognizing situations in which humanitarian operations may have to be suspended because of a total disregard for humanitarian space.

We in UNHCR look at the Security Council as the centre stage of a system of global governance that preserves the security of people as well as of States, as these two concepts of security are increasingly indivisible. We insist on our humanitarian impartiality, but we also need the Council's guidance and support in order to safeguard the integrity and effectiveness of humanitarian action.

The President: The next speaker is Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Lewis (United Nations Children's Fund): We are honoured to participate in this debate and we hugely appreciate the opportunity. I want to begin, if I may, by associating the United Nations Children's Fund (UNICEF) with the remarks which the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) just delivered. We have an enormous regard and respect for the way in which UNHCR states and analyzes these extraordinary humanitarian-assistance dilemmas. I was reminded of the speech which Mrs. Ogata made to the Security Council on 28 April, which was, I am sure everyone will agree, a model of clarity. Everything is always so intelligently formulated and has such a persuasive integrity that UNICEF simply endorses the view.

I therefore will not gild the polemical lily. UNICEF is not UNHCR. We have a vital role in these humanitarian interventions, but our role is very specific. It deals with children and women, children being our primary mandate. The subject of the Council's hearing is humanitarian assistance and, therefore, predictably close to our heart. And, if I may say so, the recent events in Zaire give it credence. The refugees in Kisangani give it a particularly dramatic note. Of those refugees, 9,000 are estimated to be and to have been unaccompanied children. I can remember, if I may be personal for a moment, standing at kilometre 41 on the Kisangani rail line looking out at those children — passive, traumatized, vulnerable, desperate — thinking that this was indeed a scene out of Dante, that it was a world of dementia, that it seared one's soul. And I think that all who were involved were similarly consumed by the predicament and the tragedy.

The subject of these deliberations is further central for us, given the brutal assault on UNICEF staff in Goma scarcely two weeks ago. These horrific episodes happen to all of us and to our indispensable partners in humanitarian-assistance activities: the non-governmental organizations. So let me, on UNICEF's behalf, make some specific recommendations. Some will, I hope, be realistic, some perhaps lacking in trenchant plausibility, but all offered in good faith. And most important, all the suggestions are informed by and within the context of the Graça Machel study on the impact of armed conflict on children and the General Assembly resolution which followed it.

Graça Machel's recommendations paralleled UNICEF's anti-war agenda. Her recommendations are a Biblical text for UNICEF and I reaffirm what the Under-Secretary-General, Mr. Akashi, said earlier. As Graça Machel noted, in the last decade, 2 million children have been killed, 4 million to 5 million disabled, 12 million rendered homeless, 1 million orphaned, 10 million psychologically traumatized. Half or more of the refugees are children and so, too, the vast numbers of internally displaced.

What Graça Machel did, of course, was to weave the links among the political, the military and the humanitarian in a unique way. And what she argued, given both the numbers and the circumstances, has now become an imperative.

Let me therefore enumerate, specifically following from what I have attempted to say. First, we must find ways of protecting humanitarian staff. International norms cannot be jettisoned. Political and, if necessary, military support must be provided. We cannot send our colleagues out to save the world and then have the world abandon them. We want to associate ourselves with the remarks of UNHCR and with Mr. Akashi. The United Nations Convention on the Safety of United Nations and Associated Personnel should be interpreted to cover the safety of civilian humanitarian staff and of the staff of non-United Nations agencies. We cannot wait much longer for this. The sooner it is done, the more secure all of the humanitarian staff will be.

Secondly, last year the General Assembly passed a landmark resolution, a child-rights resolution, 51/77, based on the Graça Machel study. It said, in part, that humanitarian concerns regarding children in armed conflict should be fully reflected in United Nations field operations. May I be so bold as to suggest that UNICEF would therefore recommend that it is vital that the special protection needs of children be specifically considered in peacekeeping and demobilization mandates which issue from the Security Council.

Thirdly, in that regard, resolution 51/77 was also a good signpost, by inviting Governments to integrate into training, for all potential peacekeeping personnel, a knowledge of their obligations to women and children in conflict — training which Governments would render. But we would go on specifically to urge that knowledge of humanitarian and human-rights law be a distinct feature of induction training for all United Nations military and civilian personnel in field operations in a way which would permit them to understand the specific application of the provisions of the Convention on the Rights of the Child and the 1951 refugee Convention.

Fourthly, on UNICEF's behalf, I would like to take it a step further. We welcome the code of conduct for United Nations peacekeeping personnel, consistent with humanitarian and human-rights law, and hope that it will be further elaborated. UNICEF is interested in the idea, which we think worth pursuing, of an ombudsperson within peacekeeping operations to handle any investigative and disciplinary procedures.

Alas, from time to time that becomes necessary. The Security Council will know that the Graça Machel report identified in six out of 12 country case studies a rise in child prostitution with the arrival of peacekeeping personnel.

Fifthly, let me be even more specific in three areas.

On the issue of child soldiers, our view is that peace agreements and peacekeeping mandates should specifically incorporate provisions for the demobilization and social reintegration of children below the age of 18 where they have participated in conflict. We have learned in post-conflict situations that this is the toughest part of the exercise of the mandate, because it takes rather more time than integrating adults into society and requires long-term support.

On landmines, it is UNICEF's view that all field operations should have a specific demining provision in the mandate which governs that operation — both in terms of mine clearance and mine-awareness education. And let me say rather forlornly that we are losing the battle against landmines. They are proliferating more speedily than they are removed. Between 5,000 and 8,000 children a year are killed or maimed. It is therefore, by explicit nature and by indirection, a Security Council issue.

On sanctions, it is our respectful view that they are useful if they are carefully targeted. But that is not always the case. And the vulnerable populations — women and children — suffer. Yes, there are exemptions provided for the flow of humanitarian assistance, but, if this is not inappropriate, those exemptions are sometimes applied in a capricious and arbitrary fashion. The exemptions must be protected and we would suggest that a child-impact assessment before and during the application of sanctions should accompany the mandate for sanctions.

I want to bring these remarks to an end. I should like to say that the links among political, security and humanitarian circumstances are seldom so vividly etched as in UNHCR's *cri du coeur*, which we share: that armed elements among refugees be separated out by the host country or by the international community — read: the Security Council — or we will reap the whirlwind as we have reaped it in the Great Lakes region, where heinous crimes are committed with impunity, as Mr. Akashi noted. What has happened recently is only the latest example of this ugly phenomenon.

So, too, do we endorse UNHCR's call for access in conflict situations as an absolutely indispensable component of delivering humanitarian assistance. These civil conflicts are so complicated, and they descend into such abattoirs of depravity, that even children are wilfully targeted and treated mercilessly. And it is getting worse. Somewhere the lines must be drawn.

The Security Council is increasingly involved in support for humanitarian action. Military and civilian peacekeeping personnel are increasingly used to ensure the safe delivery of humanitarian assistance to civilian populations. It is the Security Council that will weave the web of human rights and humanitarian law into the political, security, developmental and humanitarian fabric.

UNICEF is a very small player; we know that. But we are always there — before the conflict, during the conflict and after the conflict. Children are our mandate. Children are always there. We hope these political deliberations will lead to ever bolder and more confident initiatives.

The President: The next speaker is Mr. Peter Küng, Head of delegation of the International Committee of the Red Cross (ICRC) to the United Nations, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Küng (International Committee of the Red Cross): We truly appreciate being able to take part in this important debate, and we wish to thank you, Mr. President, and the other members of the Security Council for offering us this opportunity today.

As the members of the Council are aware, the role of the International Committee of the Red Cross (ICRC) is to protect and assist, without discrimination, the victims of armed conflict and internal disturbances. These victims are primarily members of the civilian population, which includes persons displaced within their own countries and refugees. The internally displaced are certainly among the "others" mentioned in the title of today's debate. Their plight and the suffering they endure do not receive, in our view, sufficient attention, despite the international efforts deployed on their behalf, as the spotlight is generally focused more on the genuine refugees.

The ICRC has a particular responsibility with regard to international humanitarian law, which, as the Council may recall, prohibits the forced displacement of civilians. Many of its rules are all too often ignored and violated on a large scale, and such violations often cause entire populations to flee. As a result, large groups of people find themselves without any means of survival. They are in need not only of assistance, but also of protection.

Today the fundamental right to humanitarian assistance is all too often denied. There are many reasons for this. Access is refused by the parties involved, who tend to invoke spurious arguments relating to security, and relief workers are themselves becoming the target of deliberate attacks. Humanitarian action is also made more difficult by the presence of armed elements among the civilian population, in particular in refugee camps.

The lives and safety of vast numbers of people are at stake, and humanitarian organizations are looking for remedies in order to be able to exercise their respective mandates. Within the United Nations system they have often worked with armed escorts. The ICRC has chosen another approach and has often had the opportunity to make public statements about its policy. It is of the opinion that humanitarian organizations need to preserve the strictly non-political and impartial character of their work. We feel that armed escorts could jeopardize their impartial status because the direct involvement of military forces in humanitarian action can easily be associated, in the minds of local authorities and of the population, with political or military objectives which go well beyond humanitarian concerns. The importance of this perception, in our view, cannot be overestimated.

We strongly believe not only that humanitarian aid and political action must be dissociated from each other, but also that they must be perceived as truly separate. Armed intervention should be aimed at securing the environment for humanitarian action. Furthermore, the provision of humanitarian assistance should not be linked to progress in political negotiations — as has repeatedly been the case in the past — or to political objectives. It should take place in parallel with a political process aimed at addressing the underlying causes of the conflict and achieving a political settlement. Humanitarian assistance should not become a tool designed to mask the absence of resolve to take appropriate political action or to compensate for the inadequacy of such political action. In our view, there is no substitute for the political will to find a political solution.

There is a shared responsibility in this regard. Whereas the role of humanitarian organizations is to deliver assistance according to the needs of the victims and to promote their protection, the community of States must help ensure a secure environment for the work of those organizations. In other words, it should create the necessary humanitarian space.

First of all, all those bearing weapons in refugee camps must be disarmed and interned. We know how difficult it can be to separate genuine refugees from combatants, but making this distinction is essential for efficient assistance and protection. Only prompt action can safeguard the civilian and humanitarian nature of refugee camps and create the proper conditions for truly humanitarian assistance and protection. States are therefore called upon to assist in this difficult but crucial endeavour, as in these circumstances political action is what is needed — that is, an operation of a police or military nature.

Considering the urgency of such situations, the possibility for immediate humanitarian action must be safeguarded. However, given the complex character of these problems, close consultation is essential between humanitarian agencies and the international community, including the Security Council. Humanitarian organizations must confer closely with peacekeeping forces at every stage and at every level in a spirit of complementarity. Fortunately, this dialogue has become a well-established practice. Experience has shown that consultations should begin at the preparatory stage of any peacekeeping mission which may affect humanitarian activities. This helps enhance the mutual respect and understanding of their respective missions and constraints. We hope that our participation in today's debate will make a useful contribution in this regard.

In conclusion, allow me to add that coordination among humanitarian players is more important than ever. The ICRC actively cooperates with the United Nations Emergency Relief Coordinator and it is at present engaged in an ongoing operational dialogue with the major United Nations humanitarian agencies, particularly the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Food Programme. In this process, however, the ICRC's concern is always to keep its activities in line with its principles of independence, neutrality and impartiality.

The President: I should like to inform the Council that I have received letters from the representatives of Albania and the Solomon Islands, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kulla (Albania) and Mr. Horoi (Solomon Islands) took the seats reserved for them at the side of the Council Chamber.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): At the outset, allow me to express my satisfaction at the Council's meeting today under the presidency of the Republic of Korea. We wish to thank you, Sir, for convening this general debate on the subject of protection for humanitarian assistance to refugees and others in conflict situations. The delegation of Egypt hopes that these deliberations will help to strengthen the Security Council's role in providing the necessary protection to refugees and displaced persons in conflict situations.

The Government of Egypt fully appreciates the activities of many humanitarian agencies and organizations. We are especially grateful to Under-Secretary-General Akashi and the representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund and the International Committee of the Red Cross for their statements, which touched on several points that I hope the Security Council will take under advisement.

In recent years, numerous radical changes have occurred on the international scene and it is important to stress those that have taken place in the nature of the conflicts addressed by the Security Council. In that connection, it can be said that the conflicts of the 1990s are characterized by the following features:

First, these conflicts are often internal, intra-State rather than inter-State. Secondly, the parties to a conflict sometimes disregard standards of international law, in particular of international humanitarian law. They even attack, by every means available, civilians from every walk of life and persist in such actions when they realize that they can do so with impunity vis-à-vis the international community. Thirdly, innocent civilians are deliberately targeted, which may explain the recent UNHCR estimate that 90 per cent of victims in all conflicts are civilians rather than military personnel. Fourthly, some of the belligerent parties today feel that humanitarian assistance is a legitimate objective which they can therefore attempt to control and profit by. Fifthly, humanitarian assistance workers today are easy prey for the belligerent parties and the number of such workers killed or wounded in attacks has accordingly risen. Sixthly, United Nations peacekeeping forces experience many difficulties when their mandates include the protection of and security for refugees and the flow of humanitarian aid.

The international community, represented by the Security Council, should be ever-vigilant and equipped to meet crises that threaten international peace and security, and in particular those that lead to such deplorable humanitarian situations as the expulsion by force of civilians who are compelled to take refuge in neighbouring States.

We reaffirm the importance for the Security Council to take into consideration the following factors when drafting the mandate of any operation that includes a military component in a crisis with humanitarian dimensions:

First, the Council should consider the crisis from a comprehensive perspective and in an integrated manner, analysing the deep-rooted causes of the conflict and the circumstances of its outbreak. It should not limit its actions to remedies of some of the conflict's consequences, such as its humanitarian repercussions.

Secondly, a distinction must be drawn between the responsibility, nature and objectives of the peacekeeping operation and the nature and objectives of humanitarian assistance.

Thirdly, the mandate should include special provisions and arrangements for the voluntary return of refugees and their resettlement and compensation for loss of property.

Fourthly, it is important to specify and determine the rules of engagement that form the basis of relations between United Nations forces and the parties to an armed conflict. In that connection, we would point to the important report submitted by Secretary-General Dag Hammarskjöld in August 1958, two years after the establishment of the United Nations Emergency Force (UNEF) by the General Assembly. That report defined the limits of actions of self-defence by United Nations forces:

(*spoke in English*)

> "...A reasonable definition seems to have been established in the case of UNEF, where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions which they occupy under orders from the Commander, acting under the authority of the Assembly and within the scope of its resolutions."

(*spoke in Arabic*)

It is paradoxical that rules laid down for traditional peacekeeping operations created by the General Assembly expressly included the defense of the mandate conferred upon the forces. Today, unfortunately, in the much more difficult and complex conditions such as those faced by the United Nations force in Bosnia, we have seen the Security Council establish such forces, pursuant to Chapter VII of the Charter, while the world watches on its television screens the injury, humiliation and contempt suffered by the international forces in Bosnia without their having the ability or competence to defend themselves or their mandate.

That is unacceptable, and it must not happen again. One conspicuous example of such an unacceptable situation is the experience of the "safe areas" established in Bosnia. Beginning on 16 April 1993, the Security Council adopted a number of resolutions declaring certain areas to be "safe areas" in which the parties to the conflict were to refrain from armed attacks and other hostile acts. But peacekeeping forces were unable to protect the "safe areas" and the Security Council was unable to take any action to assert the peacekeepers' right of self-defence or their right to protect their mission and their mandate.

The Egyptian delegation therefore proposes an overall review of the rules of engagement of peacekeeping operations in order to articulate them more fully in such a way as to address situations the Council could face in the future. As Mr. Akashi said a moment ago, the mandate assigned to a peacekeeping operation should be matched by the functions entrusted to it.

Turning to Africa, we note the constant growth of the humanitarian dimension of the problems of that continent. In Somalia, for example, the central Government collapsed in 1991; civil war ensued, leading to an exodus of great numbers of refugees to neighbouring States. This problem persists to this day and can be resolved only when we have identified and addressed its political causes. We recall too that the deplorable humanitarian situation in the Great Lakes region, to which other speakers have referred, cannot be addressed independent of the persisting elements and deep-rooted causes of the crisis.

Such crises highlight the problems faced by international aid workers. Elements here include the following: First, as noted by the representative of the International Committee of the Red Cross, protection as required in each instance must be provided for personnel, their headquarters, their convoys and their transports. Secondly, they must have unhampered access to refugees. Thirdly, there must be greater coordination between intergovernmental aid agencies and non-governmental organizations.

It is urgent for the Security Council and the General Assembly to assume a greater role in responding politically and, indeed, militarily to these crises. This requires political will. The Egyptian delegation believes that this can be achieved. First, we must stress the need for all parties to respect all international instruments relating to refugees and international humanitarian activities. Appropriate political pressure should be brought to bear on the parties to respect those instruments. All parties bear a collective responsibility to respect the Fourth Geneva Convention of 1949; all parties to international conflicts must be made to respect their obligations under the Geneva Conventions. Secondly, there must be respect for the principles set out in the 1951 United Nations Convention relating to the Status of Refugees, as relates to the *non-refoulement* of refugees.

We must also consider defining comprehensive approaches to humanitarian endeavours, taking into account the political, economic, military and humanitarian aspects of conflict areas, in full consultation with all actors on the humanitarian stage. We must make every effort to remove refugees from the front lines between protagonists, and to prohibit the protagonists from using refugees as bargaining chips. We must bring to trial those responsible for violations of international law relating to refugees: here the administration of justice is vital to achieving a peaceful and lasting political settlement of any conflict.

The conflicts of the 1990s are complex; they cut across State boundaries. It is thus important to address humanitarian problems resulting from such conflicts in a comprehensive manner, with complete coordination between the Governments of the States concerned and the competent United Nations bodies, including the Office of the United Nations High Commissioner for Refugees (UNHCR) as lead agency and other humanitarian agencies.

We pay tribute to the efforts of Mrs. Ogata, and stress the special responsibility and role of UNHCR in coordinating international efforts to assist refugees. I reiterate the hope that today's deliberations will result in the definition of a form of protection for refugees that is much firmer and more comprehensive.

Mr. Dejammet (France) (*interpretation from French*): We are grateful to the Republic of Korea and to you, Sir, for having convened this timely debate, which is taking place at a time when humanitarian concerns resulting from recent crises are growing increasingly acute.

Mr. President, you have convened this meeting to discuss the item entitled "Protection for humanitarian assistance to refugees and others in conflict situations". As you defined the item, and as the Council agreed, the purpose of our deliberations is very precise: it relates to protection for humanitarian assistance, not to the far more general problem of protection for the refugees or displaced persons themselves, or the establishment and protection of security zones, or, even more generally, the question of the political settlement of conflict situations.

As I said, our purpose is precise: it is to discuss protection for humanitarian assistance. I shall therefore focus on this in my statement. I know that many other speakers will speak more broadly and will address the entire question of protection for refugees, but it seems to me that this specific item is of sufficient seriousness to justify our attention to it.

We are speaking of civilians, who, as other speakers have noted, have become the primary victims of current conflicts, whether they be between or within States. These completely destitute people are forced to leave their homes and seek refuge elsewhere, either within their countries or elsewhere; they depend on humanitarian assistance, which cannot reach the victims unless it is protected. The international community has the capacity and could have the will to provide assistance to these populations in distress. The work of the United Nations, the Security Council, the United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), the International Committee of the Red Cross (ICRC), and non-governmental organizations has usually made it possible to mobilize the resources necessary to provide this humanitarian assistance.

The main problem, however, lies in the obstacles impeding the work of these agencies and organizations: denial of access; looting, or the threat of looting, by armed elements; and direct attacks on personnel that often prevent humanitarian aid from reaching the people in distress. We know that UNICEF officials have recently been victims of direct attacks.

What instruments are available to the Security Council to deal with this type of situation? The first of these instruments consists of the body of texts that constitute international humanitarian law, a set of rules established under existing conventions, to which the representative of Egypt referred earlier, such as the Geneva Convention of 1949 and that of 1941. Clearly, the Security Council does resort to these instruments. It did so recently with regard to displaced persons in eastern Zaire in setting out the obligation of all interested parties to comply strictly with the principles of international humanitarian law.

Unfortunately, it is obvious, in particular with regard to the most common cases — intra-State conflicts — that merely appealing for compliance with international humanitarian law carries little weight in encouraging warring factions to guarantee free access for humanitarian assistance to civilian populations. It is clearly necessary to recall international humanitarian law, but reality forces us to conclude that it is frequently flouted.

We must therefore draw the conclusions from this. We must go much further than merely reminding people of their contractual obligations, and we must remind the leaders of the belligerent parties of their responsibilities — though we should remind them in such a way that they will feel the threat of sanctions. It must be known, and it must be stated, that the leaders of belligerent parties may be held accountable to international tribunals for any violation of norms that they have committed or ordered. In this regard, progress has been made in recent years — progress that should be encouraged — since the Security Council established the International Criminal Tribunal for the Former Yugoslavia in 1992, and that for Rwanda in 1994.

We know that in the context of the work leading to the establishment of a permanent international criminal court, it is naturally envisaged that the Council may refer matters to the court. We are seeing signs on the horizon that the threat of sanctions may make belligerent parties think again, and compel them to behave in a manner a little more in conformity with the international norms that have been agreed to but which, to date, have often been flouted.

Another course of action available to the Security Council in trying to achieve compliance with conventional norms, without recourse to force, is the imposition of economic sanctions. The nature of current conflicts, in particular those between militias — a term that refers to forces not subject to governmental authorities — clearly makes it difficult to use sanctions to compel the warring parties to comply with international humanitarian law. On the other hand, when States are parties to a conflict, sanctions imposed by the Council may have a greater effect. I believe that we saw a demonstration of this with regard to the conflict in the former Yugoslavia, where the sanctions established by the Security Council were such that, without doubt, they compelled one of the parties to the conflict to modify its position and to become more receptive to humanitarian law. But in cases of intra-State conflict — which are, unfortunately, more frequent — more often than not economic sanctions take the form of a threat that may be imposed, without an immediate effect in such conflicts.

The seriousness of the humanitarian situations dealt with by the Security Council demands urgent action and prompts us to consider more drastic solutions. The means to which I have referred, whether juridical or political, jurisdictional or judicial, can only, in most cases, produce results after a long period of time. For the immediate term we should have recourse to a second type of instrument — one of a military nature.

The urgent need to provide humanitarian assistance may compel the Council to provide military protection. It is for the Council to decide to deploy United Nations forces or to authorize the dispatch of a multinational force. This has been done. In the case of the crisis in the former Yugoslavia, the Council expanded the mandate of the United Nations Protection Force (UNPROFOR) to missions aimed at ensuring the safety of humanitarian aid deliveries. More recently, in November 1996, it authorized the dispatch of a multinational force designed to facilitate and support the delivery of assistance to refugees in the Kivu region. As we all know, this force was not in the end deployed. France deplored that fact at the time, and we warned of the consequences. Those consequences are apparent today. They are overwhelming. We are all aware of the direct testimony that the representative of UNICEF gave to the Council a few moments ago. Those revelations do not redound to the honour of the United Nations or to the honour of the Security Council, and I hope that they will be borne in mind by everyone around this table. I repeat, we heard the direct testimony of Mr. Lewis, the representative of UNICEF.

More recently, the Council authorized the establishment of a multinational protection force in Albania, with a specific mandate and mission to facilitate the delivery of humanitarian assistance. This mandate is precise because, when the question is one of resort to force, which, I believe, the facts sometimes show to be necessary, we have to be serious, rigorous and precise. We must have a well-defined mandate, not envisage a political solution that would mean a long-term operation. We must be realistic. If we are thinking of seeking the agreement of the parties, we must realize that those parties may be tempted to refuse agreement, because, by the very nature of their actions, they impede the delivery of humanitarian aid. It must be borne in mind that the parties may refuse. We must draw on the provisions of the Charter of the United Nations and envisage recourse to Chapter VII, as the representative of Egypt underlined earlier.

We must also allow for the possibility of using force, since we are talking about protecting, overcoming obstacles and arriving at the goal: the delivery of humanitarian assistance. That is the point of the debate that you, Mr. President, have decided to hold. So, I repeat, and as the representative of Egypt has just stated, we must define rules of engagement based on legitimate self-defence, yes, but which also permit the effective defence of those who deliver humanitarian assistance.

The Security Council thus has at its disposal the instruments by which to attain the goal we all have in mind: the protection of humanitarian assistance in situations where civilian populations are increasingly becoming both pawns in and the principle victims of conflicts. These instruments exist. What remains is simply to make them more specific and to be very realistic in the way we use them. But we need above all to have the will to make use of them. In each case, the results depend on the human and material resources made available to the United Nations by its Member States. The results depend on the will of Member States to attain the goals we establish in Security Council resolutions.

From that standpoint, our experience in the former Yugoslavia is very instructive. We know that in 1995 a great upsurge of will on the part of the member States of the Council was required in order to make the resolutions we adopted fully effective, to ensure that the means we had at our disposal were fully adequate to our needs, and, finally, to attain the goal that was set.

The results depend on the resources made available to the United Nations, on the will of States, and on the means of influence each Member State disposes of to persuade the parties - whom they sometimes know or with whom they have established contact — directly and individually to respect the principles laid down by the Security Council.

Sir John Weston (United Kingdom of Great Britain and Northern Ireland): Congratulations, Mr. President, on your presence here today, which is welcome.

The subject of today's debate is broad and the issues it raises are important, but it is difficult to deal with them in the abstract. Carefully worked out formulae and academic insights are of limited value when each situation the Council must face is different. Nevertheless the Council has had a good deal of experience in the last few years in dealing with complex humanitarian emergencies and there are lessons to be drawn from that experience.

First, it seems to us the Council must take into account the underlying causes of these complex emergencies. Almost invariably their origins are political — often the results of intra-State conflicts which spring from bad governance, the repression of minorities, the violation of human rights and struggles over land and other natural resources. Humanitarian action can offer relief, but it cannot be a substitute for long-term political solutions. The Council must ensure that its response to an immediate humanitarian crisis is part of a broader strategic framework.

Secondly, the Council must have up-to-date, accurate information on the situation on the ground. Unfortunately, such information is all too often lacking. More must be done to increase the range of information available to the United Nations and to ensure that the best use is made of it.

Thirdly, the Council must recognize that helping to ensure a secure environment for humanitarian agencies or protecting the delivery of humanitarian assistance will often have political consequences. Wherever possible, intervention should be undertaken with the consent of the parties. Often, however, especially in intra-State conflicts, consent may not be forthcoming or will prove to be incomplete and unreliable. In such circumstances, a decision to provide protection for humanitarian assistance is almost by definition a political act.

The mere deployment of armed troops will have consequences on the ground, freezing the political or military situation or altering the balance of forces. Once troops become involved in securing safe areas, protecting relief convoys or separating genuine refugees from armed elements, they are taking part in operations whose implications go well beyond the purely humanitarian. As Bosnia and Rwanda have shown, the maintenance of political neutrality and impartiality becomes extremely difficult.

Fourthly, the Council must recognize that providing protection for a humanitarian intervention is not a soft option. The force has to be properly equipped to respond to the threats it may face, be given a clear and feasible mandate, and receive suitably robust rules of engagement. It may require heavily armed peacekeepers operating under Chapter VII auspices. All too often we have asked the military to do the impossible and failed to give them the resources they need.

Where the Council does choose to authorize such an operation the normal lessons of multifunctional peacekeeping apply. There must also be a clear and proactive media policy for the operation, and close coordination between it and the humanitarian agencies, although the different actors will need to maintain their distinct identities. Where there is one, a special representative of the Secretary-General can play the key role in promoting such coordination.

Fifthly, the Council must in the end itself be responsible for deciding the shape, format and objectives of any mission in support of humanitarian goals. Humanitarian agencies, which understandably have their own priorities, are not always or necessarily the most objective sources of advice for the wider considerations that the Council has to weigh and, if I dare say so, they are occasionally a little over-optimistic about what peacekeeping operations can achieve. Nonetheless, the views of agencies such as UNHCR and the International Committee of the Red Cross (ICRC) obviously should be taken into account in elaborating the mandate and concept of operations.

As the events of the last few years have shown, humanitarian crises, particularly large-scale refugee movements, often have consequences for regional and international peace and security. The Security Council has a responsibility to respond to these crises, but it cannot deal with them in isolation. Humanitarian crises do not belong under a separate heading or in a separate box with their own special rules and considerations. In response to such crises, the Council must create an overall strategy which addresses both the humanitarian symptoms and the underlying political causes. And in agreeing to any operation to provide protection for a humanitarian operation, the same conditions and criteria which apply to any United Nations peacekeeping operation must be observed.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): It is very pleasant to see you presiding, Sir, and we confirm our readiness to strive for the success of the Security Council's work during this month, while the presidency of the Security Council is entrusted to the Republic of Korea. We are also grateful for the statements made at this meeting by Under-Secretary-General Akashi and the representatives of the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross.

The Security Council is devoting increasing attention and energy to the humanitarian dimension of crises and conflicts. The link between the Security Council's work and the mechanisms of the United Nations system that react to emergency humanitarian situations is an objective one. The nature of the threats faced by the humanitarian community has changed. Fewer and fewer peacekeeping operations have "classic" parameters. Increasingly, we are faced with protecting people in conflict situations. This involves also care for the safety of the human person — the most important dimension of the phenomenon of comprehensive security.

The destructive dynamics of many modern crises are such that the victims of violence include not only civilians but also the organizations that are providing them with humanitarian assistance. As a result, the mandates of these humanitarian organizations are in jeopardy, as are the lives of their personnel. This raises a complex question: can a peacekeeping operation designed to protect humanitarian activities in a "hot spot" be carried out in such a way that the United Nations Blue Helmets do not become embroiled in the hostilities?

The Security Council as a rule should lend vigorous political support to the work of the humanitarian organizations. This is obvious in cases where a United Nations peacekeeping operation has a clear humanitarian component. However, the problems arising in this connection are understandable. We cannot forget that the Council's main task is the maintenance of international peace and security.

The humanitarian agencies within and outside the United Nations system have other tasks to perform. Therefore we cannot really talk about any automatic or stereotypical linkage between a peacekeeping operation and a humanitarian operation.

Let us not forget that as a matter of principle, humanitarian operations differ significantly from the operations set up by the Security Council. Their decision-making processes and financing methods are different. While United Nations personnel act on the basis of the principles of neutrality and impartiality, the humanitarian "profile" of the agencies of the United Nations system means that in the context of comprehensive peacekeeping operations, these humanitarian organizations retain a certain independence from political and peacekeeping efforts. While these peacekeeping operations are conducted under the general leadership of the special representative of the Secretary-General, the humanitarian organizations still answer to their own headquarters.

Exploiting a human tragedy for political purposes is inadmissible. The forcible or unauthorized return of refugees, or the giving of humanitarian assistance to armed elements posing as refugees, cannot be supported either by the authority of the Security Council or by United Nations peacekeepers.

Also inadmissible is any attempt by one party to the conflict to use civilians as an instrument for achieving military or political goals, as took place, for example, in the case of the safe areas in Bosnia. It is also very important clearly to establish the peacekeeping operation's mandate and to set attainable humanitarian goals that are backed up by material and financial resources. In formulating a plan of action, the Security Council could draw to a greater extent on the expertise of the Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations, and on their evaluation of the prospects for the settlement of a situation involving refugees, displaced persons and other vulnerable sectors of the population.

So far, in a number of cases the strategy employed, though basically correct, has not been backed up by the necessary expertise or by clear-cut, concrete actions. Much has already been said in the Security Council, for example, about the serious underestimation of the situation of refugees in eastern Zaire and its impact on the military and political situation.

Another example is Abkhazia, Georgia. As no solution has been found to the key task of returning refugees, all political efforts are at an impasse. In March of this year, at the Commonwealth of Independent States (CIS) summit of Heads of State, a decision was taken to implement a number of measures — currently being elaborated — aimed at the organized return of refugees and displaced persons. It is important, however, that these measures receive concrete material support from the humanitarian organizations and from States that are trying more actively to promote a Georgian-Abkhaz settlement. The necessary resources, including those earmarked for demining and for rebuilding the socio-economic infrastructure, could be channeled through the special fund established by the Secretary-General of the United Nations.

In Tajikistan, there is also an acute need for additional efforts by the international community to provide, safeguard and distribute humanitarian assistance in order to create conditions for the safe return of refugees. This was the subject of the appeal contained in the resolution recently adopted by the General Assembly. Active assistance in fulfilling these tasks would represent genuine support for the process of the inter-Tajik settlement.

The problem of the return of refugees is a key one for the successful settlement of a number of other conflicts, such as the one in Bosnia and in Eastern Slavonia. It is precisely this type of practical measures that will prove the ability of the United Nations fully to bring into play the humanitarian factor in its efforts to maintain international peace and security.

The Security Council's task is not merely to safeguard humanitarian assistance for people in distress. Today's debate should primarily help us to enhance the effectiveness of the work of the Council in settling specific conflict situations by more fully taking into account the bitter experience of humanitarian crises.

Mr. Wlosowicz (Poland): Allow me at the outset, Sir, warmly to welcome you and to express my delegation's deep appreciation for the timely manner in which you arranged this open debate. My country has always been very sensitive to the fate of all those who fall victim to circumstances beyond their control and have to rely on others' help.

Civilian populations are the main victims, and frequently the main targets, of contemporary warfare. In the face of the continuing deterioration of the humanitarian situation of people suffering from the atrocities of war and conflict, the Security Council, along with other competent bodies and organizations, will have to do its best to cope with the ensuing challenges. In this connection, we believe it necessary to stress that the Security Council, today and in future, should focus on humanitarian emergencies that result from situations falling within its mandate or on those humanitarian developments that, if not dealt with appropriately, could lead to the actual emergence of such situations.

Let me make one more observation before addressing the issue as inscribed on the agenda. In the opinion of my delegation, greater use should be made of preventive diplomacy in order to reduce the need for or to avoid more complicated and more expensive undertakings with regard to humanitarian assistance. We believe that ways of improving the preventive capability of the international community are far from having been sufficiently explored. We see, for instance, a greater role for regional organizations in these endeavours. My delegation also believes that a further refinement of the early-warning system already operational in the Secretariat would be helpful in this regard.

The best way to contain and eventually eliminate humanitarian emergencies is to promote political solutions to their underlying causes. Humanitarian assistance, however important and indispensable, deals with the symptoms, not the causes, of existing crises or conflicts. With crises or conflicts that assume international proportions, it is important to find ways and means to make the parties concerned speak to each other, negotiate and reach an agreement. We are in favour of the Security Council's establishment, at a very early stage, of contacts with the countries of a region and the regional organizations concerned in order to discuss the situation and to look into the possibilities of a coordinated approach to the issue at hand. The humanitarian situation, current and prospective, should figure prominently on the agenda of such discussions. We think that the Security Council will need to pay greater attention to the humanitarian aspects of conflict situations. We would welcome, for instance, briefings by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Department of Humanitarian Affairs at various phases of the Council's deliberations, including the initial phases. The recent briefing by United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, is an excellent example of the usefulness of such undertakings. Apart from informing the Council on the current situation in the area of conflict, Mrs. Ogata significantly enhanced Council members' knowledge of very complicated interrelations between different conflict dimensions.

The question of whether, when and how to use force to protect refugees and other civilian populations and to secure the safe delivery of humanitarian assistance is of an indisputable importance. It has been discussed quite frequently by the Council itself, was on the agenda of a number of previous annual sessions of the Special Committee on Peacekeeping Operations, and is under consideration by the Informal Open-ended Working Group of General Assembly on an Agenda for Peace. The Security Council has recently authorized two military operations, both undertaken by groups of interested countries, both designed to assist in the distribution of humanitarian relief to those in need, and both bound to operate in hostile, or at least unfriendly, environments. The first of these operations, in Zaire, was called off before it actually started. Another one, in Albania, is under way. To complete the picture one has to recall the idea of creating the force for humanitarian intervention in Burundi contained in a report of the Secretary-General. Whether the action of interested countries can, as some assume, be a panacea for all humanitarian needs remains to be seen. We believe that the Security Council should continue the discussion it has initiated today in order to better define modalities for authorizing such operations. The United Nations experience to date regarding in particular the Organization's operations in Bosnia and Herzegovina and in Somalia is highly relevant in this respect.

Despite those cases of authorizing groups of interested countries to conduct an operation involving Chapter VII of the Charter, the need for so-called routine United Nations peacekeeping operations to assist in responding to humanitarian emergencies is not going to disappear. Consequently, the dilemma of the contemporary United Nations peacekeeping operations — their having to be impartial and not resort to force except in self-defence — is bound to stay with us. In our view, the provisions of the Charter do not preclude using force for humanitarian reasons. It is imperative, however, that the troops involved are properly mandated and that their strength, equipment and rules of engagement are in line with what is expected of them. Before deciding on taking up any humanitarian assignment which would mean providing military support for humanitarian operations, the Security Council should thoroughly assess the situation in its entirety, with a view to determining that other means of alleviating the emergencies, including political ones, are no longer available.

Once again, the input of UNHCR and the Department of Humanitarian Affairs, along with information and analysis supplied by the countries of the region and regional organizations, would be of paramount importance for the Council's discussions regarding this issue.

In your very useful guidelines for today's debate, Sir, you have specifically mentioned that sanctions are a tool to be used to make the parties comply with the principles of international law, as well as to make them react properly to their people's needs by, among other things, allowing the unimpeded access of humanitarian organizations and of relief to those who suffer. In the opinion of my delegation, no means of persuasion at the disposal of the international community should be ruled out, but the application of any of them should be considered very carefully with regard to their possible unintended consequences as well as to the chances of their consistent implementation.

It has been pointed out on several occasions that the civilian population and especially refugees are being deliberately targeted by the parties to conflicts acting out of a belief that this could advance their political and military objectives. Human-rights violations and violations of international humanitarian law are all too well known features of the conflicts currently under way. It is important, we believe, to ensure that these crimes are investigated and the perpetrators, if found guilty, appropriately punished.

Allow me to make two more observations with regard to the humanitarian tasks of the United Nations operations mandated by the Security Council. The first relates to the problem of coordination. In our view, the increasingly complex nature of these operations makes evident the need for a stronger role for the Special Representatives of the Secretary-General. Secondly, humanitarian assistance is not about politics; it is about life. We should do everything we can to prevent politicizing humanitarian relief.

My delegation would like to take this opportunity to pay tribute to all members of humanitarian organizations. Their work has saved thousands and thousands of human lives. It is our duty to assist them in discharging their respective mandates. Before concluding, I would like to stress that my delegation fully subscribes to the statement to be made by the Permanent Representative of the Netherlands on behalf of the European Union and associated countries.

Mr. Osvald (Sweden): Your presence here today, Sir, at the head of the Korean delegation is most welcome. Later in the debate the representative of the Netherlands will speak on behalf of the European Union. We fully support the statement he will make.

In conflicts all over the world we are repeatedly faced with double tragedies. Men, women and children, driven from their homes, are also targets of inhuman treatment, brutal attacks and sometimes even massacres.

Recent internal conflicts pose new challenges to the international community. Victims of conflict are denied urgently needed emergency relief, forced to walk hundreds of miles in search of safety and left to die in remote wilderness. And those who are there to help are refused access to the refugees and are even themselves increasingly made targets of such violence.

Large-scale attacks on human security and gross violations of human rights within States are the harbinger of threats to regional and international security. Thus, the Security Council is frequently called upon to address important questions of how to protect refugees and humanitarian assistance to refugees and others in conflict situations.

Sweden welcomes this debate. It should be a step towards concrete proposals and decisions by the Council in this field.

Governments bear the primary responsibility for the security of all individuals under their jurisdiction. This responsibility also entails that Governments should seek international support if they lack the ability to provide such protection and assistance. But individual perpetrators must always be held accountable for violations of humanitarian law, also in areas where government authority has broken down.

The role of the Security Council is first and foremost to promote political solutions to crises, preferably even before a conflict has turned violent. Peaceful conflict resolution and preventive diplomacy are certainly the best methods of addressing the fundamental problems of refugees and displaced persons. Action to be considered by the Security Council in this field is, however, manifold in nature. The Council has an essential role in ensuring respect for international humanitarian law and human rights. Actions of the Council, in each individual case, also contribute to the development of norms for the behaviour of States, and even non-State entities.

Protection of humanitarian assistance is, and should be, a task specifically mandated in connection with many peacekeeping operations. But even in the absence of United Nations peacekeeping, the Security Council must ensure that it is fully apprised of the humanitarian and human-rights situation at hand and of the requirements of the humanitarian organizations. Therefore, the Council should consult closely on a regular basis with humanitarian organizations and seek their advice on how to improve the security of refugees, displaced persons and the humanitarian relief workers themselves.

From the outset of a crisis, the Council should use its moral authority and political leverage to impress on leaders of parties in conflict their personal accountability for crimes against refugees and displaced persons as well as humanitarian personnel, in areas under their control. The need for humanitarian access should be equally underlined. Impunity should not be accepted. The Council should consider ways and means to follow up on such crimes. Preferably, political actors should know from the outset what kind of consequences they will have to face if they take part in crimes against international humanitarian law, or refrain from bringing the perpetrators to justice. An international criminal court could be a helpful instrument in this regard. International civilian police could be deployed in crises to monitor the situation, to help investigate crimes and to assist in the building of national structures of justice.

Crises are invariably different in nature. The protection of refugees and displaced persons may require different kinds of arrangements. For example, a clear distinction should be made between protection measures in an enforcement situation, under Chapter VII of the Charter, and measures in the context of other United Nations operations. Early consultations between the Security Council and relief agencies could help define the proper response.

The Office of the United Nations High Commissioner for Refugees (UNHCR) has a unique international mandate to protect refugees and others in refugee-like situations. The complex conditions in refugee-hosting as well as returnee-receiving areas call for a comprehensive, situation-specific protection strategy. Sweden welcomes the close cooperation between the UNHCR and the United Nations High Commissioner for Human Rights and hopes that useful lessons will be drawn by the two agencies from their experiences in the Great Lakes region.

The High Commissioner for Refugees has called for a rapid deployment force to assist, *inter alia*, in separating military groups from bona fide refugees in mass-displacement situations. There is good reason to reflect upon this and other ways of achieving such a separation.

Protection of humanitarian action cannot be isolated from protection of people in need. Protecting humanitarian assets and relief workers may be essential for humanitarian operations to continue. But protection mechanisms must also, as their primary objective, deal with shielding civilians from threats to life and livelihood.

Assault on defenceless women and children has been used as a weapon to demonstrate power and control and to disintegrate social structures and communities. Protection of refugees must include special measures to ensure the safety of women and children.

Humanitarian corridors, safe areas, protected zones or any other form of humanitarian space can in some situations provide protection. The United Nations should assess experiences of such mechanisms so far and the means to protect them.

The role of United Nations troops, civilian police or guards in the protection of refugees and displaced persons should also be further explored.

Humanitarian action must always be based on need and on the principle of impartiality. Its integrity must be respected. However, we cannot expect humanitarian action to be a substitute for political resolve to deal with the conflicts themselves and their root causes. It is increasingly recognized that complex man-made crises require an international response combining political, military, humanitarian and other civilian action that will create the conditions for peace while protecting victims of armed conflict. The Security Council must shoulder its responsibilities in this regard.

The President: I shall now make a statement in my capacity as Minister for Foreign Affairs of the Republic of Korea. I thank a number of representatives for their kindness in allowing me to precede them.

The rising prevalence of intra-State conflicts since the end of the cold war is posing a new type of threat to international peace and security. These conflicts have frequently entailed massive flows of refugees and internally displaced persons. Moreover, with this alarming explosion of displaced people, a dangerous new trend has also emerged. Refugees are not just an unintended consequence of conflict. They are intentionally being created by the warring parties themselves. With disturbing frequency, innocent civilians in these conflicts are being targeted by combatants on a massive scale and subjected to atrocities, intimidation and other gross violations of international humanitarian norms.

As we all know well, in Bosnia and Herzegovina combatants deliberately sought to drive civilians from their homes. In places such as eastern Zaire militants have also been known to use refugees as cover, mingling among the innocents to exploit the sanctuary offered by refugee camps and intimidating genuine refugees from returning to their homes.

Needless to say, the ultimate solution to such conflicts is the achievement of a negotiated settlement and the re-establishment of national authority. Given that such a comprehensive political solution is often not easily forthcoming, however, the provision of humanitarian assistance to refugees becomes all the more pressing. Moreover, doing so in vulnerable conditions is a dangerous task indeed. Recent experiences have shown that there is clearly an urgent need to improve the protection of refugees and more effectively ensure that humanitarian assistance can be safely delivered to them. The Republic of Korea is deeply concerned about the implications of this problem for international peace and security, and we have therefore taken the initiative to hold an open debate on this issue.

Today we are searching for an answer to the question of how the Council can improve its support for humanitarian assistance in conflict situations. So far the Council's reaction has varied and has involved a certain amount of trial and error, but the overall trend is towards greater engagement. The Republic of Korea welcomes this trend and firmly believes that the Council's involvement in the protection of humanitarian assistance can be handled with greater consistency, efficiency and effectiveness. In this regard, we would like to present several suggestions.

First and foremost, in the event that the Council decides that a humanitarian crisis involving refugees requires a peacekeeping operation, the Council should carefully ensure that no mismatches exist between the operation's mandate and capabilities and the expectations invested in it. Some lessons in this regard can be learned from the United Nations experience in Srebrenica, one of the designated safe areas in Bosnia and Herzegovina. The Council should exercise particular caution and care in defining peacekeeping mandates in situations where even the minimum conditions for peace do not exist.

Secondly, closer coordination among the various United Nations bodies and agencies involved, as well as between them and other agencies and regional organizations, would certainly enhance the international community's capability to protect or provide humanitarian assistance to refugees and other civilians in any given crisis.

We believe that the Security Council has a critical role to play in all this through its power to define the mandate of peacekeeping operations tied to the crisis and to give political guidance, when requested, to the special representative of the Secretary-General. The role of the special representative of the Secretary-General is particularly important, for he or she is the figure charged with ensuring that all the different United Nations and other bodies in the field discharge their respective tasks in such a manner that they complement one another. Armed with clear political guidance form the Council, the special representative of the Secretary-General may be in a better position to respond efficiently to fast-changing conditions in the field.

Thirdly, further efforts should be made to combat the prevailing culture of impunity that breeds disregard for international humanitarian law. Although a number of Council resolutions and presidential statements have been issued as warnings to parties suspected of violating basic standards of international humanitarian law, these have not had the desired impact. In furtherance of these efforts, the Security Council should consider imposing further punitive measures against violators, such as targeted sanctions.

The Council could also consider establishing ad hoc international criminal tribunals endowed with stronger powers to enforce their decisions. For instance, although the International Tribunal for the former Yugoslavia has already contributed significantly to the advancement of humanitarian law, its lack of enforcement power has left the most prominent individuals indicted still at large.

Another important legal issue related to the protection of humanitarian assistance is how to strengthen the legal framework that is designed to protect the safety and security of United Nations and other personnel engaged in peacekeeping and humanitarian activities. The scope of the existing legal framework could be expanded to cover other categories of personnel beyond United Nations and associated personnel.

A fourth suggestion is for the Council to place greater emphasis on improving its preventive capacity. Ultimately, crisis prevention always costs less than crisis response. Although we do not have a detailed blueprint to propose in this regard, a more systematic employment of various mechanisms, such as early warning systems including fact-finding missions, and preventive deployment, may warrant further consideration. These might not be easy tasks, considering that special care should be taken to maintain a balance between the need for such preventive activities and respect for sovereignty, not to mention the matter of financial implications.

Last but not least, we believe that the Security Council should improve its ability to react rapidly to humanitarian crises once they erupt. In this regard, we welcome the progress that has been made in creating a United Nations rapid-deployment capability for peacekeeping, including civilian and humanitarian components, and would like to encourage the Secretariat and Member States to further accelerate the process of creating such a capability, including stand-by arrangements.

We cannot overemphasize the need to devise a comprehensive response to the new challenges to international peace and security posed by massive threats to the security of people. We therefore believe that today we have started an important deliberation on the need for expanding the involvement of the international community in meeting such challenges.

In closing, I would like to express my appreciation to all the delegations and representatives of international organizations taking part in today's debate. We sincerely hope that our discussions will pave the way for a more integrated and coordinated approach by the international community to ensure protection for humanitarian assistance to refugees and others in conflict situations.

I now resume my functions as President of the Security Council.

Mr. Larraín (Chile) (*interpretation from Spanish*): At the outset I wish to congratulate you warmly, Sir, and to say that we are honoured by your presence here today for this important Security Council debate. I congratulate you also on this great initiative to devote an open meeting of the Security Council to this item. As members know, the delegation of Chile has consistently stressed that this principal organ of the United Nations should accord high priority to humanitarian issues.

Let me reiterate a number of ideas that my delegation has expressed in the past, to define the nature of the conflicts that the Security Council must deal with today, and to underline the consequent relevance of the humanitarian question.

As we know, the Charter gives the Security Council primary responsibility for the maintenance of international peace and security. As originally framed, this implied the duty to address conflicts between States when these had international implications. Today the Council's agenda is increasingly devoted to internal conflicts in which not all the parties are sovereign States, but can also be groups or factions within those States. These conflicts are characterized by civil war, with the major humanitarian crises it brings; one of the main consequences is massive, aimless flows of refugees.

This highlights the Security Council's humanitarian responsibility with regard to the conflicts of which it is seized. The competence of the Council in this area is clear, if limited to consideration of measures or actions that can save innocent lives while political agreements are sought with a view to the establishment of peace and security.

Mr. Park took the chair.

There are many humanitarian agencies within the United Nations system, as well as non-governmental agencies, that are increasingly involved in humanitarian situations in conflict areas. Beginning with the Office of the United Nations High Commissioner for Refugees (UNHCR), these agencies are working in the field to alleviate the harsh and cruel conditions faced by the victims of clashes, war and intolerance. The men and women of those agencies are carrying out a basic task to which the international community and the Security Council have not always attached its proper importance.

Without these humanitarian efforts, conflicts grow worse, and we all know that when it grows worse, a conflict naturally tends to affect even more the international peace and security that are the primary concern of the Security Council.

To fulfil their missions properly, humanitarian agencies need the support of the international community. The most fundamental form of support in the field is safety. Our central point is that humanitarian workers in the field helping the victims of conflicts should be the focus of the Security Council's attention. Of late we have seen many attacks against United Nations or non-governmental-agency personnel, resulting in deaths and injuries. These people have become victims because they tried to help the victims of conflicts.

The Council should find a way to strengthen legal provisions and make use of available machinery to protect humanitarian workers. Threats to the safety of humanitarian personnel often imperil the sole presence that the international community can have in a conflict area. Let it be understood that this presence is our presence.

On 12 March 1997, the Security Council issued a broad presidential statement in which, *inter alia*, it expressed its grave concern at, and condemnation of, the recent increase in attacks and the use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations. The international community, and in particular the Security Council, must not neglect humanitarian issues because of practical considerations or the realities of authority in a given country. We therefore agree with the idea recently put forward by Mrs. Ogata, the United Nations High Commissioner for Refugees, that political solutions to conflicts should address humanitarian concerns.

On the other hand, we must continuously stress that the parties to a conflict must recognize the principle of the neutrality and impartiality of the humanitarian agencies providing assistance in the area. This leads to a subject that deserves attention in the future: how to ensure effectively that the parties to a conflict will respect innocent victims — refugees, displaced persons and vulnerable groups — and will grant humanitarian-assistance agencies safe access to them. In our statements and resolutions we have on more than one occasion urged the parties to a conflict, including non-State parties, to respect international humanitarian law. But unfortunately this appeal goes unheeded.

Respect for the Geneva Conventions and the rules of humanitarian law must be subject to scrutiny, even when a conflict is resolved by force; this should include the actions of all the parties involved. The individual responsibility of the perpetrators of such acts is a natural corollary of this approach.

The actions of non-State agents should be subject to forms of international responsibility; naturally, so should those of State actors.

There must be a permanent criminal jurisdictional body with the competence to try those who violate humanitarian law. We believe that the draft proposal for an international criminal court prepared by the International Law Commission provides a good basis for the creation of the kind of jurisdictional body required. The crimes defined in that draft could include the violation of the norms of international humanitarian law.

Chile, as an elected member of the Security Council for 1996 and 1997, is seeking to help the international community and, in particular, the Security Council, foster an awareness of the interrelationship between conflict and humanitarian tragedy. Very often, those who are closest to the conflicts dealt with by the Security Council are the humanitarian organizations — sometimes more so than Governments, military units or us, the diplomats. Thus, in addition to the fundamental work that the agencies are doing in assisting the victims of conflicts, they can also help Governments better to understand the specific character of each of those conflicts, because they are there in the field.

For that reason, the delegation of Chile has focused on the relationship between the Security Council and the humanitarian organizations, promoting contact between them. In this respect, we should bear in mind that the organs of the United Nations system can inform the Council about what is happening and what is being done in one or another conflict situation. Hence, on more than one occasion Mrs. Sadako Ogata, the High Commissioner for Refugees, has met with us to enlighten us about the cruel situation faced by refugees, especially in the Great Lakes region. We have also periodically received updates on the humanitarian situation from the United Nations Department of Humanitarian Affairs. This type of information exchange is essential, and of the greatest interest to the Security Council.

However, there are humanitarian organizations that have not had access to the Security Council. I am referring to non-governmental humanitarian organizations, which, like the Office of the United

Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme and others, have personnel in the field, near the conflicts, and have important things to say to us.

Last February we took a new approach in which members of the Council, together with the bureaux of other relevant organs of the system, were able to meet with representatives of non-governmental humanitarian organizations that have a substantial presence in the area of a particular conflict. The Department of Humanitarian Affairs, on the initiative of a member of the Council, issued the appropriate invitation and presided over the meeting. Under that formula, on 12 February last, we heard the comments of OXFAM, Médecins sans frontières and CARE on the situation in the Great Lakes region. That meeting was very positive and of great interest to the Security Council. It opened the way for other meetings of this kind in the future.

This formula for contact with other non-governmental humanitarian organizations enables us to expand considerably the scope of consultations with various humanitarian actors. At the same time, it serves to support the cohesiveness and coordination of the humanitarian community and to keep it more closely linked to the decisions taken in the Security Council.

We reiterate the appreciation of the delegation of Chile for the holding of this open debate, and we wish to propose that the Secretary-General prepare a set of integrated but flexible guidelines concerning protection for humanitarian assistance for refugees and others in conflict situations that will enable the Security Council carefully to consider this very important matter in the near future.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): The Chinese delegation is very pleased to see you, Mr. President, participating in and presiding over this morning's meeting. The recent successful visit to China of His Excellency the Foreign Minister of your country will contribute to the development of good-neighbourly and friendly relations between our two countries.

The fate of refugees should stir our deepest sympathy, as they belong to the most unfortunate group in society. The refugee problem plaguing the international community has defied solution for a long time. In recent years, regional conflicts, territorial disputes and ethnic and religious contradictions have further aggravated the outflow of refugees. This has not only plunged numerous innocent people into dire situations, with lasting consequences for the social stability and economic development of the countries concerned, but also inflicted a heavy burden on many neighbouring countries.

Though the refugee problem in conflict regions is attributed to different causes, its solution, and the provision of humanitarian assistance to refugees, are the joint responsibility of the international community as a whole. But I want to emphasize that, as far as the United Nations is concerned, humanitarian activities should be undertaken mainly by the relevant departments and agencies, while the Security Council should involve itself mainly with the settlement of political and security-related issues. It is therefore necessary to make a distinction between the two, both in discussions and in practice.

The protection of refugees and the provision of humanitarian assistance to refugees in areas of conflict is a complicated and arduous task. We have noted that the relevant United Nations humanitarian agencies, especially the Office of the United Nations High Commissioner for Refugees, have made tremendous efforts in this regard, as has the International Committee of the Red Cross (ICRC). We greatly appreciate and will continue to support their efforts. The staff of these agencies often work under difficult and perilous conditions. They have toiled and even given their precious lives for the noble humanitarian cause. We wish to express our sympathy and pay tribute to them.

The Security Council shoulders the heavy responsibility for the maintenance of international peace and security entrusted to it by the United Nations Charter. The question of how to promote peaceful settlement of regional conflicts and the protection of refugees and humanitarian assistance through peacekeeping operations merits in-depth study.

In our view, compliance with the purposes and principles of the United Nations Charter — particularly with regard to respect for State sovereignty and for the views of the States and parties concerned — and strict neutrality remain important principles for international humanitarian assistance.

The political will and willingness to cooperate on the part of the States and parties concerned are the key to the success of conflict resolution and humanitarian assistance. Furthermore, judging from many ongoing conflict situations, it is essential to achieve national reconciliation and eliminate hostility and hatred. The international community should make greater efforts to promote peace. The resolution of conflicts by such peaceful means as good offices, mediation and negotiation is in itself an effective way to protect refugees.

In United Nations peacekeeping operations and humanitarian relief activities, there is a tendency towards frequently invoking Chapter VII of the Charter, or even authorizing the use of force. This, rather than being helpful, will more often than not further complicate problems. Therefore, we are not in favour of such an approach. We are of the view that in rare cases, when the use of force is indeed necessary for the protection of the delivery of humanitarian relief and the safety and freedom of movement of United Nations peacekeepers, the authorization to use force must be strictly confined to self-defence. It should not be used indiscriminately, still less for retaliation, or in any way hurt innocent civilians.

As a Chinese saying goes, "prevention is better than cure". We are of the view that the United Nations should seek the root causes of regional conflicts and humanitarian crises so as to suit the remedy to each case and target solutions to the cause.

Issues such as the provision of humanitarian assistance and the protection, voluntary repatriation and resettlement of refugees should be integrated in order to work out a comprehensive solution. The international community should make great efforts in this regard. The Chinese delegation believes that while "preventive deployment" is being much talked about, there is the need to seriously consider "preventive development", that is, to eradicate the root causes of the refugee situation by encouraging national unity, promoting economic development and maintaining national stability.

Mr. Mahugu (Kenya): This morning, Mr. President, my delegation welcomed the presence of your country's distinguished Foreign Minister, which, in our view, added positively to our debate on this important matter.

We welcome this opportunity to discuss in open session one of the most challenging aspects of the refugee crisis facing us today. The number of people in need of urgent humanitarian assistance remains unacceptably high, with the largest percentage of these — whether they be in ongoing conflict, post-conflict or disaster-related situations — being in sub-Saharan Africa. This, therefore, is a matter of utmost importance to us.

The United Nations remains the principal actor in humanitarian emergencies. It is therefore true to say that the responsibility of the United Nations, and particularly the Security Council, is crucial in determining the international community's response to humanitarian situations. The Security Council is the organ mandated by the international community to ensure prompt and effective action whenever a threat to peace is determined. This primary responsibility of the Council cannot be abdicated to any other organ or organization. It is the Council that decides, in many cases, how, when, and at what level a humanitarian situation should be addressed. The Council, more than any other body, gives the signal and direction of international response to humanitarian emergencies.

In cases where response has been weak or failed, it can be correctly assumed that the decision-making process was either too slow, the objective too obscure, or mandates of the United Nations operations ill-defined. It might also be that a specific situation has evolved faster than initially anticipated.

This is the crux of our debate today. How should we improve the decision-making process to provide a viable framework for humanitarian action and, in this way, to better fulfil the responsibility the Council so clearly has?

Our experience in this area indicates that it is absolutely essential, first, that the Council understand the situation on the ground, and based on that, determine the framework for providing assistance and protection, taking into account all the critical aspects of the specific situation. For instance, in cases where there have been rampant mine-laying activities, a mine-clearing component should be included. There has to be a clear link between the emergency and the response.

In addition, the Council should identify the parties to the conflict and solicit their support for action decided upon. If deployment of humanitarian military assistance becomes necessary, parties to the conflict should be consulted ahead of deployment and the mandates of such operations should be explained to them to avoid misunderstandings at a later stage. This will improve the chances of success, reduce casualties and minimize instances of hostage-taking.

It is also important that the establishment of safe havens should be undertaken only if there is an international commitment to protect such areas and to assure that they are respected by all parties and will not become an excuse for "ethnic cleansing". Where a massive outflow of refugees has occurred, it is imperative to disarm combatants and, where necessary, separate them from genuine refugees, as was recommended in the case of the former eastern Zaire by our regional leaders in Nairobi.

Sanctions, when imposed, should be clearly aimed at ending the conflicts and be well-coordinated, respected and monitored. Sanctions should not cause unnecessary suffering to innocent civilians. Non-compliance with Security Council embargoes and sanctions should not be tolerated.

What comes to mind here is the constant flouting of arms embargoes by producers and suppliers of arms.

We must maintain close cooperation among the United Nations bodies involved in the provision of assistance, and between them and non-governmental organizations, to avoid duplication and prevent overlaps. This will enhance coordination and make humanitarian intervention more effective. In this connection, we commend the Office of the United Nations High Commissioner for Refugees (UNHCR) for the excellent work that the organization continues to carry out in providing assistance to refugees. It is important to seek the views of UNHCR, the International Committee of the Red Cross (ICRC) and non-governmental organizations on the nature of humanitarian intervention to be undertaken. In many cases, these organizations are the first on the scene and are well-informed on the atmospherics of the conflicts.

Without genuine political good-will, the provision of prompt, appropriate and adequate protection for humanitarian emergencies will continue to evade us. One cannot but wonder what would have happened if the multinational force authorized under Security Council resolution 1080 (1996) had been deployed in Zaire. We are inclined to think that the fate of thousands of refugees could have been different. After all, is it not all about saving lives? In that region, we are still unable to account for over 80,000 lives.

In conclusion, our experience with the speed of response to humanitarian emergencies has been very disappointing. Although we have welcomed the successes that have been evident elsewhere, it is shameful that the most glaring examples of failures of humanitarian action continue to be in Africa. We hope that we can use all the lessons learned to improve and protect international humanitarian assistance to refugees and others in conflict situations.

Mr. Owada (Japan): Permit me, Mr. President, to begin by extending a hearty welcome to the Foreign Minister of the Republic of Korea in the seat of the President of this Council this morning. I wish to express my pleasure at seeing a former colleague preside as President over this important meeting of the Security Council.

Every one of us who has been watching the tragic developments in the humanitarian situations in the former Yugoslavia, the Great Lakes region, the Central Asian regions and many other parts of the world in recent years will readily agree that the problem of how effectively to offer protection for humanitarian assistance to refugees and others in conflict situations is one of the burning issues that the international community should address with a keen awareness of the gravity and urgency of the present state of affairs. I wish to pay tribute to the Government of the Republic of Korea for taking the initiative of holding an open debate of the Security Council on this important subject.

At the same time, in our treatment of this issue, we should constantly keep in mind that the protection of humanitarian activities is a problem with multifaceted dimensions, requiring careful examination from diverse angles, including its legal, political, social and humanitarian implications. It should also be kept in mind that as far as United Nations activities in this field are concerned, the problem concerns the area of activity not only of the Security Council, but also of the General Assembly and other organs. There are no easy answers or ready solutions; utmost wisdom and insight will be required each time we deal with a concrete situation, taking into account the overall context of the relevant factors affecting the situation.

We have witnessed in recent years a dramatic change in the nature, the cause and the modality of the armed conflicts that have been plaguing various parts of the world. As a rule, these conflicts tend to be fought more often within the national borders of a State than between States. In many cases they stem not so much from clashes of national interests arising out of political, economic and ideological differences as from ethnic or tribal rivalries within a State, or from the chaos that has come to prevail in a so-called "failed state". In many of the extreme cases, we have seen this lead to the abhorrent practice of "ethnic cleansing".

The humanitarian emergencies resulting from such conflicts have likewise changed, both in nature and in scope. The most direct and dramatic consequence of such conflicts is the massive displacement of people. According to statistics provided by the Department of Humanitarian Affairs, there were an average of five humanitarian emergencies a year in the 1980s; in the 1990s the ratio has quadrupled, to an average of 20 emergencies a year. Moreover, the Office of the United Nations High Commissioner for Refugees (UNHCR) tells us that the number of refugees, internally displaced persons and other affected people within the purview of UNHCR has risen from 17 million in 1991 to 26 million in 1996. While in 1991 most of these people were cross-border refugees, in 1996 nearly half were internally displaced persons, reflecting the increase in intra-State conflicts.

There is another, even more important, change in the nature of conflicts that demands our concerted attention. Traditionally, the displacement of people has been a phenomenon incidental to an armed conflict between regular national armies, in which civilians try to seek refuge from the calamities of war. In the new type of conflicts that have come to erupt in recent years, however, it is more likely to be the civilian population itself that becomes the target of an attack. Even where this is not the case, armed units of the parties to the conflict are often bands of guerrillas, militias and other non-regular combatants who do not always possess military discipline and allegiance to a commander and thus lack a basic sense of respect for international humanitarian law and human rights. As a result, not only has the treatment of refugees and internally displaced persons in these situations become a source of serious concern to us from the viewpoint of how to protect these victims, but, even more ominously, the guarantee of safety and security in which humanitarian activities can be carried out by humanitarian agencies — whether United Nations-affiliated or otherwise — has come to be jeopardized.

These quantitative and qualitative changes in humanitarian emergencies require commensurate changes in our response. To meet this new challenge, efforts must be intensified to strengthen coordination and cooperation among the various humanitarian agencies. Indeed, it was in order to respond more effectively to this new situation in humanitarian crises that the Department of Humanitarian Affairs was created in 1992, with a view to bringing about a more effective coordination among various agencies, which until then had tended to operate independently of each other.

Nevertheless, this clearly is not enough. Thus an innovative new attempt has been introduced in the practice of the Security Council to meet these new challenges. I am referring in particular to the recent practice of the Security Council of entrusting peacekeeping operations with the additional task of protecting and assisting humanitarian operations, a mandate that goes beyond the traditional scope of peacekeeping operations. The United Nations Protection Force in the former Yugoslavia, the United Nations Operation in Mozambique and the United Nations Observer Mission in Liberia are among the operations that have been entrusted with such a task.

This innovation introduced in the practice of the Security Council raises new questions, however, particularly concerning the relationship between the traditional mandate of the Security Council in peacekeeping operations and the new task of providing assistance to humanitarian operations. It is thus legitimate that we should ask ourselves the following question: according to which criteria and to what extent should the Security Council be involved in the protection of humanitarian assistance efforts? Since refugees and many other humanitarian problems are the consequence of political or ethnic conflict, they cannot be fundamentally eliminated unless and until the root causes of the conflict are resolved. At the same time, it is also true that the international community cannot stand idly by as tragic humanitarian crises erupt in an emergency situation and that the Security Council, as the only international body with the authority and legitimacy to take action, has to respond to such crises.

In the light of these factors, it would seem clear that while the primary task of the Council is to bring about the resolution of the conflict and of the underlying political problems that gave rise to such humanitarian crises, it is often necessary to engage in activities on an emergency basis aimed at providing assistance to humanitarian relief activities under way in the midst of such conflicts that are facing grave difficulties in carrying out their mission.

Nevertheless, a word of caution would seem to be in order: even in those circumstances where United Nations peacekeeping forces are used as instruments for the protection of humanitarian efforts, it is essential that the following conditions be met.

First, the mandate of such an operation must be clearly defined, and its terms of reference precisely specified; secondly, the actual situation on the ground must be such that the mission of offering the cover of protection under this mandate may realistically be expected to be accomplished through the means offered; thirdly, the operation must be equipped with the necessary human and material resources to accomplish the mission; and fourthly, the Security Council must closely monitor the situation so that the operation can adapt to the rapidly changing situation on the ground.

These are the minimal requirements that must be met before such an operation may be authorized. It is also important that consideration be given to the roles that regional organizations may play in such an operation in cooperation with the United Nations.

One of the most fundamental questions to be considered in thinking about the role of the Security Council in relation to the problem of the protection of humanitarian activities is whether an intervention by the Council would be consistent with the basic principles under which humanitarian activities are carried out and thus be conducive to ameliorating the situation. It is almost axiomatic that the humanitarian agencies, whether intergovernmental or non-governmental, will have to adhere to the principles of humanity, neutrality and impartiality in order to be effective in their mission. Indeed, it is essential that humanitarian assistance activities be carried out in a neutral, impartial and strictly non-political manner in order for them to be truly effective. Seen from this angle, the involvement of such a highly political body as the Security Council, through the provision of protection by peacekeeping forces or other forces authorized by the Council, will have to be meticulously weighed and tailored in such a way that the humanitarian operations themselves are not jeopardized.

Another fundamental point to consider is the implications of the change in the nature of conflict that I touched upon earlier. In traditional conflicts between regular armies, where one could safely assume that the combatants would respect the principles and rules of international humanitarian law, the humanitarian activities, based on the principle of strict separation of combatants and non-combatants, could be safely carried out as long as those three principles were strictly adhered to. However, as I indicated earlier, the recent conflicts and combatants do not fit this profile. In a situation where the parties to a conflict are more likely than not to ignore and disregard this distinction between combatants and non-combatants engaged in a humanitarian mission, and lack the discipline or the will to respect such international norms, the provision of some forceful protection for humanitarian-relief operations becomes an inevitable option.

It is in this context that my delegation feels that particular attention of the members of the United Nations will have to be drawn to the need for securing the safety of international personnel who are engaged in providing humanitarian assistance under extremely difficult and, at times, life-threatening circumstances. As we have recently witnessed in Tajikistan, where United Nations military observers were repeatedly taken hostage, or in Sierra Leone, where United Nations personnel came under attack, deliberate acts of sabotage are becoming a recurring problem. Thus the need to provide effective means to protect the safety of these personnel is increasingly becoming a source of serious concern to the entire membership of the United Nations, and in particular to the Security Council.

As one of such means to cope with the situation, the international community should seriously consider the possibility of reinforcing the mechanism for ensuring the safety of such personnel through legal instruments. It is recalled in this connection that the General Assembly, at its forty-ninth session, adopted the Convention on the Safety of United Nations and Associated Personnel. It is important that all Member States ratify this critically important document as quickly as possible, so that it will come into force without further delay. More importantly, however, my delegation wishes to reiterate the point made by Japan at the time of the Convention's adoption, that the scope of this Convention does not cover personnel engaged in humanitarian-assistance activities. Some modest improvement was introduced in Article 1 of the Convention, at the insistence of Japan, so that the Convention may be expanded when the Security Council or the General Assembly declares that there exists an exceptional risk to the safety of participating personnel. In the view of my delegation, however, this is not sufficient. As a first step, my delegation would like to suggest that the Security Council declare, as a matter of course each time it launches an operation, that there exists an exceptional risk to the safety of personnel. Such a declaration would serve a useful ancillary purpose of raising international awareness of the importance of the issue of the safety of personnel engaged in humanitarian-assistance activities.

Furthermore, Japan believes it is necessary to redress the deficiency of the Convention by revising it to cover in its scope the personnel of the International Committee of the Red Cross and other, non-governmental, organizations, who are not covered at present by the Convention. My delegation stands ready to cooperate closely with like-minded Member States in our joint efforts to enhance the safety of all international personnel.

The provision of humanitarian assistance to the victims of armed conflicts is a vitally important responsibility of the international community and of the Security Council in particular. But I would be remiss if I concluded my intervention today without stressing the point that, in the final analysis, the problem of refugees and other humanitarian crises will not completely go away unless and until the underlying political crises are solved. For this reason, there is always a greater need for us in the international community, and especially in the Security Council, to try to address each crisis situation affecting the peace and security of the region in a holistic manner. In addressing a situation of conflict, we should tackle all the related issues together, including diplomatic action, ceasefire, protection of refugees and humanitarian assistance, as well as economic reconstruction and social rehabilitation, as an organic and comprehensive whole.

My delegation believes that the new roles of the Security Council in this regard are increasingly great.

Mr. Richardson (United States of America): Mr. President, I join my colleagues in welcoming your Foreign Minister, whom I briefly had a chance to meet as he departed.

The United States welcomes this opportunity to discuss the problem of security for humanitarian operations around the world. There is a growing need for integrated and creative approaches to complex emergencies, approaches that will take into account the political, as well as the military and humanitarian, aspects of each situation.

The United States is extremely concerned about the increasing incidence of violence against humanitarian workers as they carry out their work. Emergency assistance to refugees and displaced persons is difficult enough without security threats and violent actions against relief workers and those they are trying to help. Our hearts go out to the relief workers who have been the victims of violence in recent months and to their colleagues who continue to work in dangerous circumstances — among them the Department of Humanitarian Affairs workers who were shot in Sierra Leone; the United Nations Children's Fund (UNICEF) workers who faced armed attackers in their compound and suffered grave injury in Zaire; the human-rights monitors who were killed in Rwanda; the staff members of the Office of the United Nations High Commissioner for Refugees and others who were held hostage in Tajikistan in February; and the International Committee of the Red Cross (ICRC) staff who were murdered in Chechnya last December.

Security concerns for United Nations and non-governmental organization staff working in today's humanitarian emergencies, often in or near war zones or areas of civil unrest, pose unique and complex challenges for the agencies involved and for the United Nations system as a whole. The increasing number of internal crises — in the Balkans, the Great Lakes, the Caucasus — has greatly complicated this problem with irregular and often undisciplined combatants. There is no single solution to this problem, no model we can set up ahead of time to meet the complexities of each new emergency situation. But certainly, local security issues must be addressed each time the United Nations sends people to work in an area of unrest, whether they are assigned to distribute emergency food, repatriate refugees, monitor human rights violations or provide technical assistance for elections.

In some cases, United Nations peacekeeping forces already on the ground have been assigned a protective function for humanitarian workers. But the United Nations cannot send peacekeepers into each and every emergency, and the record on using the military to provide security for humanitarian deployments is mixed. Armed forces, even those wearing blue helmets, are sometimes not seen as neutral in a conflict. At times, the presence of armed security forces can complicate delivery of humanitarian assistance. Some organizations, such as the ICRC, do not work with security forces, except under very limited circumstances. United Nations peacekeeping forces have themselves become the target of violence, as in the recent kidnapping of military observers in Tajikistan, or the targeted killings of United Nations military personnel in Rwanda and Somalia in years past.

In some emergencies, regional organizations have played a positive role in providing security in conflict situations: notably, the coalition forces in Haiti; the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG) in Liberia; or North Atlantic Treaty Organization (NATO) participation in the former Yugoslavia. We welcome such initiatives as these, coordinated with the United Nations, that can enhance regional capabilities to provide security in complex emergencies.

Growing confusion of victims and victimizers has complicated the delivery of humanitarian assistance. It has become increasingly difficult in some cases to distinguish legitimate refugees from parties to the conflict. The tendency of humanitarian agencies has been to give persons fleeing their country the benefit of the doubt, and to classify all as refugees. Or large refugee camps administered by humanitarian agencies can serve as staging bases for armed combatants. Inevitably, this leads other parties to the conflict to view the humanitarian agencies as taking sides and losing their impartiality. Humanitarian agencies should not be giving succour to combatants who perpetuate conflict and hide behind innocent populations. The moral dilemma is whether to leave those human shields to their fate, or to rescue them and simultaneously protect their victimizers.

For each new humanitarian operation, security assessments should be incorporated into the planning from the very beginning and updated continually. The international community and those involved in the conflict must observe the principle of respect for the neutrality and inviolability of international humanitarian personnel. They all have the responsibility to provide protection for international humanitarian workers and to facilitate their work. They should also ensure access by humanitarian aid workers to vulnerable populations. When a party cannot and will not provide security for humanitarian operations in its territory, the United Nations agencies and the Security Council must work together to explore the best response.

Appropriate, effective measures to ensure security should be incorporated into the programmes of the humanitarian agencies. Finally, continuous coordination between the political, military and humanitarian aspects of any intervention in a crisis is crucial to its success. We urge the United Nations, at this time of self-examination, to consider how best to ensure such coordination.

The United States will continue to work with the Security Council and all the United Nations agencies to address the grave problem of assuring the security of humanitarian assistance operations. These brave people remain in the front lines fighting hunger, disease and homelessness in stark and often dangerous surroundings. They deserve not only our thanks but our active efforts to improve their security as they help the world's most vulnerable citizens.

The President: There are a number of speakers remaining on my list. In view of the lateness of the hour, and with the concurrence of the members of the Council, I intend to suspend the meeting now.

Before suspending the meeting, may I take this occasion to thank all the delegations for their kind words addressed to the Minister for Foreign Affairs of the Republic of Korea and the Republic of Korea's presidency.

The meeting was suspended at 1.50 p.m.

United Nations **S/PV.3778 (Resumption 1)**

Security Council

Fifty-second Year

Provisional

3778th Meeting

Wednesday, 21 May 1997, 3 p.m.
New York

President:	Mr. Park	**(Republic of Korea)**
Members:	Chile	**Mr. Eguiguren**
	China	**Mr. Wang Xuexian**
	Costa Rica	**Mr. Sáenz Biolley**
	Egypt	**Mr. Awaad**
	France	**Mr. Dejammet**
	Guinea-Bissau	**Mr. Lopes da Rosa**
	Japan	**Mr. Takasu**
	Kenya	**Mr. Rana**
	Poland	**Mr. Wlosowicz**
	Portugal	**Mr. Monteiro**
	Russian Federation	**Mr. Victorov**
	Sweden	**Mr. Lidén**
	United Kingdom of Great Britain and Northern Ireland	**Sir John Weston**
	United States of America	**Ms. Willson**

Agenda

Protection for humanitarian assistance to refugees and others in conflict situations

97-85585 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was resumed at 3.15 p.m.

Mr. Sáenz Biolley (Costa Rica) (*interpretation from Spanish*): Allow me to thank you, Mr. President, on behalf of Costa Rica, for the timely convening of this formal meeting devoted to the issue of refugees in the context of international peace and security. Your decision, which my country has supported from the very beginning, is the right one, as this is an extremely important step on the road towards the transparency and openness that the Security Council must adopt in all its activities and also because, above all, it enables all States Members of this Organization to focus their attention on humanitarian issues in the context of international peace and security.

This issue has gained great relevance in recent years. My delegation, like the other members of the Security Council, witnessed from close at hand something that must surely be one of the greatest human tragedies in modern history: the slaughter of hundreds of thousands of refugees in the Great Lakes region of Africa, and, in particular, the tragedy of the Rwandan refugees in eastern Zaire.

This causes feelings of horror and impotence within us as we think about the thousands of people silenced by intolerance, war and extreme poverty, and, in short, by the dysfunctional nature of the societies from which they came and of the societies that are receiving this multitude of human beings.

The holocaust of African refugees has not come to an end. It is taking place there, in the stark reality of central Africa, while humanitarian organizations desperately try to save the lives of as many people as they can. The solidarity of international humanitarian organizations, both public and private, towards these men, women and children, fills us with hope for mankind and is in stark contrast with the cruelty of those who are indiscriminately massacring refugees or hindering their repatriation.

For decades we witnessed the localized wars and the confrontations of the major Powers. During the cold war, international peace and security, based on the strategic movement of pieces, as in a game, was an end in itself, which banished the human dimension from international politics, postponed the primary objective of the United Nations and took shape in low-intensity conflicts, usually in the third world, of limited scope but with disastrous consequences for populations.

Today, in contrast, we ought to speak of a new reality, a new situation in the aftermath of global confrontation, in which the international community could indeed now focus on promoting the integral development of the human being and foster the reign of all values that are inherently human.

Nevertheless, we are still embroiled in geopolitical discussions in which some insist on participating in strategic military games, almost always in the developing world. In Costa Rica's view, this is morally wrong, not only because it ignores legal commitments and international policies but also because it reduces all the noble goals of the world, as organized in the United Nations, to a mere game of words, empty and meaningless in the real world.

There has been no consistency between what is publicly proclaimed and what is done. There is much talk of liberty, democracy, respect for human rights and assistance for development, but, meanwhile, reality is ignored, dictators continue to be supported, repressive policies and violations of basic rights go unsanctioned, and economic models that are prejudicial to the inhabitants of the developing world are insistently promoted.

The post-cold-war era is marked by obvious economic inequality between the North and the South, and it is no wonder that the greatest of the world's present conflicts are developing in the former settings of confrontation between the Powers — primarily, as I said earlier, in the third world.

The statistics on refugees bear this out. Of the world's 10 largest refugee groups, nine are in the third world, totalling about 7,306,000 refugees. Only one, consisting of about 1,330,000 refugees, is in the developed world, according to the publication of the Office of the United Nations High Commissioner for Refugees entitled "UNHCR by Numbers", which was distributed to the members of this Council.

This open meeting was called particularly in view of the tragedy of the refugees in southern Africa, whose fundamental rights, all of them, were disrespected by the actors in that war, in a situation in which not even the physical integrity of humanitarian workers was respected. This crises demonstrates clearly that the actors in war must, in this case as in any other, ensure humanitarian organizations access to refugees so that those organizations can assist them. The States that give asylum, for their part, must guarantee protection and humanitarian treatment to refugees, in accordance with internationally recognized human rights standards and humanitarian law.

Those States must also guarantee refugees the rights of voluntary repatriation, integration in the asylum country or resettlement in a third country, in such a way as to guarantee their right to life as well as all their human rights. Costa Rica believes the best solution to any refugee problem is the creation of the social, economic and political conditions in their country of origin that will allow them to return voluntarily.

Any policy in support of refugees must, of course, be applicable to the problem of internally displaced persons — that is, those who, like refugees, have had to leave their homes to flee from war. To that end, we wish to recall operative paragraph 13 of resolution 51/75, adopted on 12 December 1996 by the General Assembly, which calls upon the United Nations High Commissioner for Refugees to extend assistance to internally displaced persons, as well as other groups, as a means of preventing the emergence of large masses of refugees.

In my country's estimation, the international community should take all necessary steps to safeguard the human rights of refugees and displaced persons. This matter generally receives only secondary attention, but in our opinion, in the case of humanitarian situations in conflicts, the United Nations must deploy personnel to protect the human rights of such persons on the ground.

Costa Rica believes that in these new circumstances a new international vision of the management of international conflicts is required. The resolution of such conflicts must be based on a new vision of security that focuses on the human being. I am speaking of a far-reaching and integral concept of human security that takes into account the political, economic, social and environmental aspects of the coexistence of peoples and States.

Costa Rica therefore rejects, as limited and alien to the purposes of the United Nations, the persistent view of international peace and security based on strategic movements and geared to address military concerns exclusively.

This naturally affects our view of peacekeeping and of the duties of the United Nations and the Security Council in this area. The concept of peacekeeping must outgrow this narrow vision, must expand so that this Organization can systematically and consistently make every effort to keep and promote peace, while at the same time guaranteeing and promoting respect for human rights and fostering better economic and social conditions for all those affected by crises situations. This is the morally right thing to do.

In this regard, Costa Rica considers the revision and updating of the concept of peacekeeping operations to be of urgent importance. Those operations designed from a military perspective must be reformed in order to guarantee that their actions will cover the humanitarian aspect of conflicts. Naturally, this implies a modification of their structure, composition, command structure and coordination, in order to make room for the system's various agencies specialized in humanitarian matters, as well as those involved in human rights.

My delegation also shares the opinion already expressed here by some members of the Council with regard to the need to broaden the horizon in order to establish ways for preventive humanitarian tasks to be carried out. This would have been especially useful in cases such as that of Somalia, which some continue to invoke as a low point for this Council.

It is also necessary to continue in the well-conceived direction of carrying out valuable peace-building activities once conflicts have ended. The political, economic and social structures of the affected societies are virtually demolished, and they clearly must be rebuilt in order to materially strengthen peace by concrete actions aimed at reconciliation, re-establishment of the state of law, the creation of new economic opportunities and social solidarity. The examples of countries such as El Salvador and Haiti are instructive in this regard.

We are grateful for the legal discussions on the nature of situations that can affect international peace and security, as well as their operative consequences. Nevertheless, it is Costa Rica's opinion that this question requires us to define a political will that overcomes legal ambiguities and procedural excuses. This formal meeting constitutes a valuable opportunity to envision such a possibility.

My country is aware that in the current circumstances it is unlikely that much definitive progress in this direction will be made, but we believe it to be our moral and political duty to take up the matter in this formal meeting of the Security Council. Our brief experience in the Security Council, analysed in the light of our own historical experience, leads us to express our dissatisfaction with the management of humanitarian questions in conflict situations and, at the same time, to promote the new vision we need in this area.

Mr. Lopes da Rosa (Guinea-Bissau) (*interpretation from French*): Sir, our delegation welcomes the presence of your Minister for Foreign Affairs at this morning's debate. The item under discussion today in the Security Council, "Protection for humanitarian assistance to refugees and others in conflict situations", is timely indeed. We are reminded of the old saying, "Better late than never".

Since its creation in 1950 by the General Assembly, the Office of the United Nations High Commissioner for Refugees (UNHCR) has been striving to provide international protection to refugees and others in conflict situations in order to find a lasting solution to this problem. This Herculean effort to ease the sufferings of thousands of people, sometimes in hazardous conditions, deserves our full appreciation and respect. My country, Guinea-Bissau, would like here to pay tribute to all those men and women who, moved by a spirit of humanism, have given their lives while providing humanitarian assistance to hundreds of thousands of human beings in distress.

Statistics given by the UNHCR show a positive trend in the situation in many parts of the world, due above all to a reduction in the categories of internally displaced persons and returnees. We welcome this development. Nevertheless, the picture remains grim as far as Africa is concerned.

The 1980s were the darkest years, the most disastrous in the history of refugees and displaced persons. The pictures — transmitted throughout the world — that came to us from the Horn of Africa are still fresh in our minds. We had thought that the tragedy that struck those abandoned people would be enough to prick the conscience of international public opinion and that the necessary steps would be taken to see to it that the same causes would never again produce the same effects.

Unfortunately, the events that have taken place since 1994 in the Great Lakes region have shown the opposite to be true. One thing is certain: as long as there are conflicts and international humanitarian law is violated, the international community will have to deal for a long time to come with the problem of the mass exodus of human beings.

This problem has many causes. Events have moved at a faster pace since the end of the cold war, with violence fuelled by an exacerbation of national, ethnic and tribal sentiments as well as by massive violations of human rights resulting from power struggles. But above all, the devastation caused by war has condemned thousands of human beings to abandonment and despair, searching for supposedly safer ground inside and outside certain countries.

This tragic situation throughout the world is all the more alarming since it calls for a coordinated and sustained action on the part of the international community, which must mobilize to find appropriate solutions not just to the phenomenon itself but to its principal causes.

Today, millions of people throughout the world are the responsibility of the UNHCR. In spite of the praiseworthy efforts it has been making and the results it has achieved, we believe that the UNHCR and humanitarian agencies as a whole should continue to benefit from the unanimous and unconditional support of the Security Council in order successfully to discharge their mandates.

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol give a clear definition of the rights and obligations of refugees. In this connection, we would like to inquire once again into the whereabouts of the thousands of people who are reported to have disappeared in eastern Zaire.

We agree that existing international law, as a whole, provides good protection for refugees and displaced persons, even though some specific aspects should be better defined, such as the right of return in safety and the issue of the restitution of property. In this regard, we believe that the countries of origin should create conditions that are conducive to the voluntary repatriation of refugees and the return of displaced persons to their homes in complete safety and dignity, because these may constitute one of the lasting solutions to this question.

There is no doubt of that preventive measures are the most effective steps. They must be implemented at the first indications of events that could signal mass, uncontrolled movements of people. In this regard, I should like to follow in the footsteps of the Ambassador of France — who spoke so aptly and eloquently — in expressing once again, on behalf of the delegation of Guinea-Bissau, our deepest regret at the circumstances that have prevented the implementation of Security Council resolution 1080 (1996). That resolution was to have, *inter alia*, set up a multinational force to protect the delivery of humanitarian assistance and facilitate the return of refugees to eastern Zaire.

My delegation believes that that force, which unfortunately never came into being, might, had it been deployed, have helped to relieve the sufferings of thousands of people and saved the lives of hundreds of innocent victims.

It is for that reason that we ask whether there exists a double standard in the application of international humanitarian law. Should not respect for human rights and for international humanitarian law be the same throughout the world? Is it not time for some soul-searching regarding all of these tragic events, and time to find adequate and lasting solutions for the good of all humankind?

In tackling this issue today, the Council should study with greater determination and political will the major causes of the flows of refugees and others in conflict situations. We believe that the creation of a sound socio-economic and political environment, as well as the establishment of effective human rights regimes — especially institutions that would support the principle of the primacy of law, justice and responsibility — are essential prerequisites for reducing the mass exodus of human beings.

The international community as a whole, and the Security Council in particular, should play a much more active role in this area so as to prevent disasters of the kind that have been very much in the news in recent years. We hope that by the end of this debate, we will have made clear, in a firm and determined manner, the need to protect humanitarian assistance to refugees and others in conflict situations, as well as the personnel of humanitarian agencies, pursuant to existing legal instruments. To this end, the Council is called upon, now more than ever, to speak out strongly and in unison so that, above all, the parties to conflicts will be compelled to comply with international humanitarian law and grant humanitarian organizations unfettered access to victims in all possible safety.

In view of the new dimension of the problem of refugees, we hope that henceforth the Security Council will consider its solution to be an essential element for the maintenance of international peace and security. A solution to the problems of refugees in a strictly humanitarian framework should not in any way usurp the role of the Security Council, especially when international peace and security are threatened.

The time has come for the international community to shoulder its responsibility vis-à-vis the hundreds of thousands of men, women and children who, through no choice of their own, find themselves in such a situation in order to find necessary and lasting solutions to this tragedy. Our country, Guinea-Bissau, is prepared to make its modest contribution.

In conclusion, we would like to ask the representatives of UNHCR to be so kind as to convey to Mrs. Ogata our well-deserved tribute for her courage and dedication in the service of hundreds of thousands of people in distress. Our appreciation also goes to all those humanitarian organizations that have been working for so long towards the same goal.

Mr. Monteiro (Portugal): Portugal congratulates you and thanks you, Mr. President, for organizing this open debate. We believe that protection for humanitarian assistance to refugees and others in conflict situations is a major issue involving the responsibility of the international community. Therefore, it must be properly addressed by the Security Council with the participation of the general membership of the United Nations.

We also believe it is timely for the Council to discuss this issue openly and on the record. The Council has recently been occupied with very serious crises to which this problem of the protection for humanitarian operations is central.

Also, the Council should not fail to develop thinking on its role in this field in the light of the major dilemmas faced today by United Nations humanitarian assistance, as outlined by the United Nations High Commissioner for Refugees when she came to the Council last month. Under-Secretary-General Akashi and representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC) reminded of these dilemmas very clearly today. We welcome their forceful statements and pledge to give full attention to the concerns and suggestions they left with us.

The protection of civilian populations and refugees involved in conflicts requiring humanitarian assistance increasingly seeks to counter threats to international peace and security. In recent conflicts, refugees and internally displaced persons have not only been one of the consequences of war but have actually been the target of hostilities which threaten international peace and security. Therefore, this question falls under either Chapter VI or Chapter VII of the Charter, and thus calls for Council action under Articles 41 and/or 42.

Later the Netherlands will be making a statement on behalf of the European Union which we fully endorse. In that statement, attention is called to the nature of intra-State conflict, which increasingly characterizes most of the crises developing in the post-cold-war era. The internal nature of such conflicts might be recalled to resist or caution against United Nations-backed international humanitarian intervention in the name of the old banners of state sovereignty, non-interference in domestic affairs and territorial integrity. We could dwell on the legitimacy that the Charter confers upon the Council to determine when such intervention is necessary and justified. This decision by the Council would then bypass the sovereignty and correlative principles and require all Member States to abide by it.

But we prefer instead to highlight the fact that in almost all conflicts today, from Afghanistan and the former Yugoslavia to the Great Lakes, the warring parties themselves are keen on a United Nations humanitarian presence, not only because of the benefits they themselves receive from humanitarian aid provided to refugees and civilian populations, but also because of the political legitimacy they sense this presence bestows on them; and this despite the fact that an international humanitarian presence, regardless of the impartiality with which it carries out its tasks, may be seen to be an embarrassing witness to unspeakable atrocities.

The Council must clearly address three main problems: first, how to protect those who need protection most — that is, the civilian population caught up in armed conflicts and the particularly vulnerable groups of refugees and internally displaced people; secondly, how to protect the protectors when they themselves are targets of attacks; and thirdly, how to counter the impunity of the perpetrators of such crimes.

In dealing with the first problem — how to protect those most vulnerable — the Council must not forget a crucial element: the fact that humanitarian assistance is certainly not limited to the delivery of aid, be it food, shelter or medical care. The central element of humanitarian assistance is, in fact, protection of the most basic human rights: the right to life, first and foremost, and other basic rights inherent to the dignity of the human person. That is the purpose and the essence of international humanitarian law, which all Member States, all United Nations agencies, all warring parties and all military forces are bound to respect and enforce.

This is the message that was transmitted very clearly to the Council by Mrs. Ogata when she stressed that assistance to and protection of people are based upon respect for the fundamental human rights of people. She went further and called for a security concept that puts human beings at its centre. That is precisely the approach that Portugal urges the Council to adopt, assuming our full share of responsibility for it.

This implies that, when measuring the success or the needs of a humanitarian assistance operation, the Council must take into consideration the extent to which those core rights are being protected, not just whether food convoys are reaching their destination. This also means that when considering any kind of international military intervention, through a peacekeeping operation, or another kind of operation, in order to back and support humanitarian action, the Council must spell out clearly in its mandate the purpose of protecting human rights, alongside the political and military objectives. An integrated approach to crisis management is needed, encompassing human rights in the humanitarian, political and developmental dimensions.

We must ensure that all those involved in United Nations humanitarian and military operations are aware of all these dimensions and receive the proper training for carrying out the tasks involved. And since the most vulnerable groups of civilians in need of protection — namely, refugees and displaced persons — are women and children, due consideration must be given to the gender perspective and to the specific needs of protecting children, as the representative of UNICEF so forcefully explained to us this morning.

The second problem — how to protect the protectors — has emerged as a particularly pressing and alarming one, as we have seen increasingly in many recent conflicts. Not much has been done to address properly this problem despite the many calls for military support for humanitarian relief operations. One might say that United Nations Member States have not been willing to risk the lives of their military, just the lives of their aid workers.

A special tribute, an expression of gratitude and encouragement, is due to those brave and generous women and men who work for the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the World Food Programme and all other United Nations agencies, as well as to those working for humanitarian and human rights non-governmental organizations, who continue to carry out those activities despite the hardship and the serious personal risks involved. They need support. They need collective Security Council action, not collective inaction. They need us — officials, Governments and political leaders — to do our job.

Peacekeeping operations in some cases have been used by the Security Council to provide a military component to facilitate humanitarian relief. In general, this has met with success, even in cases where the humanitarian community initially feared the corrupting implications of such military backing. Bosnia is certainly such a case.

In other situations the Council has authorized the deployment of an international military presence to protect emergency humanitarian assistance at the initiative of some Member States. The most recent example is Albania, and so far it has achieved positive results. This shows how important and desirable regional initiatives are, provided their authors seek and obtain proper endorsement from the Council.

But what happens when no State is prepared to act, when the Council cannot be prompted to take an initiative despite the seriousness of the situation? Can we continue to leave humanitarian actors alone in the field facing the extremely dangerous security situations which often arise from unresolved political issues? We cannot, of course. That is why we support the proposals made by the United Nations High Commissioner for Refugees, among others, calling for the establishment within the Secretariat of a rapid-deployment capability. We call on the Council to discuss this specific proposal and to seek the views of the Secretary-General on how this could be rapidly put into practice.

The third problem facing us is how to fight the impunity of all those responsible for violations of international humanitarian and human rights law, be it against those who are being protected in conflict situations or against those who are providing the protection. The punishment of the perpetrators of such violations is both the main deterrent against the spreading of a pattern of further violations and the least that can be done out of respect for the victims. Those on the ground, as well as their political and military leaders, should be held accountable at the national level and, when appropriate, before international courts. In addition to whatever individual responsibility criminal proceedings may establish, political leaders must also pay a political price.

The same concerns justify the need for the Security Council to consider at the earlier stages of conflicts the imposition of selective sanctions targeted to really hurt the warring party and its supporters, measures such as arms embargoes, travel restrictions and the freezing of assets, among others, which would be considered on a case-by-case basis depending on their effectiveness. Punishment requires evidence of the violations and of the individual responsibility of the perpetrators. Investigation by international monitors is therefore crucial. The Council must hold warring parties accountable for cooperating and facilitating such international missions.

Allow me to stress that my delegation believes it would be important to have the community of non-governmental organizations participating in this debate. The United Nations, and all our Governments, cannot act in the humanitarian and human rights fields without the dedicated and persistent action of non-governmental organizations. We therefore hope that non-governmental organizations will be able to attend our open discussions on this matter in the future and offer their substantive input.

The revitalization of the Security Council after the cold war places a particular responsibility on all of us who serve on this body. We cannot afford to limit ourselves to react whenever the "CNN factor", combined with the effects of the "global village" and of "mobilizing shame", press our Governments into belated action.

Humanitarian assistance cannot be delivered in a political and military vacuum. It will never alone ensure a lasting solution to a conflict. Humanitarian assistance is all about protecting people trapped by armed conflict and protecting their fundamental rights. International peace and security are at stake if those fundamental rights are grossly violated. Humanitarian assistance cannot be delivered if its purveyors are threatened. The Security Council must place these concerns high on the agenda when dealing with specific conflicts and devise a long-term strategy to deal with them and incorporate it in effective preventive action.

Finally, let me say that Portugal believes it would be useful to reflect this debate in a presidential statement by the Council. We are ready to cooperate with your delegation, Mr. President, to work towards such an outcome.

The President: The next speaker is the representative of Ukraine. I invite him to take a seat at the Council table and to make his statement.

Mr. Zlenko (Ukraine): We have every reason to thank you, Mr. President, for convening this formal meeting of the Security Council devoted to the problem of protection for humanitarian assistance to refugees and others in conflict situations. We believe that the consideration of this issue is timely and important.

In recent years, the international community has faced the challenge of responding to humanitarian crises that have increased both in number and in complexity. The root causes of these situations are political instability, internal strife, inter-ethnic tensions, human rights violations, foreign intervention, poverty and natural disasters. As a result, the problem of refugees, returnees and displaced persons has acquired dangerous dimensions and has become a significant factor of instability, conflict and confrontations.

The interrelation between refugee problems and peace and security is perhaps nowhere more evident than in the Great Lakes region of Africa. It is the conflict situation in this part of the world that has put on the international agenda the need to increase the effectiveness of international humanitarian assistance to refugees and others in conflict situations. In our opinion, the consideration and elaboration of further measures to cope with this serious problem is one of the objectives of today's deliberations.

Recent years have witnessed dramatic changes in the conditions under which international humanitarian activity is provided. It is increasingly difficult to ensure fully that humanitarian assistance reaches the target groups, to create a secure environment for its delivery and to guarantee its fair distribution among those in need. In this connection, a remaining important problem is to ensure the safety and security of recipients of humanitarian assistance and of those who provide it.

The extremely urgent character of these issues stems from the fact that the very nature of conflicts has drastically changed. The world's conflict zones, which in the past were usually associated with military confrontation between States, now routinely feature intra-State civil wars and ethnic conflicts. Furthermore, parties to current intra-State conflicts are hard to identify. They have no central authority, often do not respect commitments and have little or no regard for international humanitarian law. However, they do have access to an endless and easily available supply of deadly weapons.

Moreover, experience indicates that control over the channelling, delivery and distribution of humanitarian assistance is considered a military objective by the warring parties.

It should also be noted that the humanitarian scene has changed and broadened, having embraced not only Governments and international organizations, but a host of other actors, ranging from different non-governmental organizations to various types of agencies. This has made the process more complex and the challenge of coordination more acute. Furthermore, the main donor States have become fatigued by the burden of responding to so many complex emergencies within a relatively short period of time and Governments are increasingly unwilling to commit personnel, equipment and money to humanitarian activities.

As we see it, in these circumstances, the international community is facing the necessity to ensure the following: first, the protection of the supplies and materials provided and their secure delivery and fair distribution in such a way as to prevent situations in which humanitarian assistance improves and strengthens the positions of warring parties, including separatists; secondly, the protection of personnel of the various humanitarian organizations and agencies; thirdly, the protection of refugees, displaced persons and others in need.

Irrefutable is the fact that the primary responsibility for the implementation of the aforementioned tasks lies with the Governments of the countries concerned. However, when refugees are in territory that is not controlled by a Government, it is hard to hope for that Government's cooperation. In this context, we believe that the international community, in particular the United Nations and the organizations of its system, has an important role to play.

We are of the view that, in especially complex situations on the ground, the general guidance and coordination of international humanitarian efforts should be entrusted exclusively to the United Nations, because only the United Nations has the necessary experience and mechanisms for the successful implementation of the humanitarian tasks. Moreover, there is no international agency other than the United Nations that can deliver humanitarian assistance to those in need in a truly neutral and impartial manner.

Our delegation maintains that both the Department of Humanitarian Affairs and the Department of Peace-keeping Operations of the United Nations Secretariat could play a significant role in this respect. These structures could, for example, elaborate, on a case-by-case basis, clear plans for the delivery, distribution and storage of humanitarian assistance, as well as to protect the personnel involved in this activity. It is necessary to consider establishing within one of the Departments of the United Nations Secretariat a unit responsible for the protection of humanitarian–assistance contingency planning. In our opinion, the time has come to prepare a comprehensive code of conduct for humanitarian activity, which could significantly strengthen the legal framework for such activity.

Nowadays, peacekeeping operations can play an important role in contributing to the creation of a secure environment for the effective delivery of humanitarian assistance. This very fact was reflected in one of the conclusions of the recent report of the Special Committee on Peace-keeping Operations. At the same time, in our view, it is worth considering the question of the use, where appropriate, of rapidly deployable forces, for example, when a civilian population and humanitarian workers face the danger of violence or threats to their lives.

The delegation of Ukraine believes that humanitarian assistance cannot be considered as a substitute for political, diplomatic and military action. That is why it is also necessary to take measures aimed at the definitive settlement of armed conflicts. Efforts to ensure the conclusion of cease-fire agreements and solutions to the refugee problem should be the integral elements of these measures.

The neighbouring countries also have a significant role to play in tackling the problem in question. In this context, we would like to propose the elaboration of a set of incentives which would encourage these States to pursue a constructive policy as regards refugees, with a focus on ensuring their security. The Security Council, in its turn, should more actively develop a direct dialogue with countries concerned under the Arria formula.

In our opinion, the Security Council should increase its preventive capacity in the field of protection for humanitarian assistance to refugees. This would involve, first of all, the elaboration of relevant measures in order to avoid threats to and the oppression of refugees and to prevent any violation of the norms of international humanitarian law by the parties to a conflict. It is also necessary further to elaborate a clear and comprehensive concept of humanitarian corridors and passages. We believe that the Special Committee on Peace-keeping Operations should study in depth the idea of deploying multinational forces for humanitarian purposes under the authority of the Security Council.

Another instrument of equal importance that creates international legal frameworks for the protection, *inter alia*, of persons deployed by a humanitarian non-governmental organization or agency under an agreement with the United Nations Secretary-General is the Convention on the Safety of United Nations and Associated Personnel, adopted at the forty-ninth session of the General Assembly. I would like to draw members' attention to this document, which, apart from setting forth the rights and obligations of host countries, stipulates measures for the prevention and prosecution of crimes against United Nations and associated personnel. In our opinion, the Security Council should resolutely urge all Member States to become parties to this Convention so as to ensure its status as a universally recognized legal instrument as soon as possible.

It is only by strengthening existing mechanisms and elaborating innovative approaches and ideas on the basis of clear coordination between all members of the international community, including the United Nations, that we can achieve our main objective: to improve the effectiveness of humanitarian assistance to refugees and others in conflict situations.

The President: The next speaker is the representative of Armenia. I invite him to take a seat at the Council table and to make his statement.

Mr. Abelian (Armenia): First of all, allow me to thank your delegation, Sir, for the timely initiative of bringing this agenda item before the Security Council for discussion.

In recent years, the world has faced a number of complex emergencies entailing conflicts and massive population displacements. Armenia notes with great concern that the number of refugees throughout the world has increased from 1 million in the 1950s to almost 26 million in the 1990s.

The global nature of the problem requires the international community to focus its attention on it, seeking to create a secure environment for providing humanitarian assistance to civilians in need.

The presence of hundreds of thousands of refugees is a very heavy burden for any country, especially for a country with an economy in transition. In Armenia, the refugee crisis is further aggravated by the blockade imposed by neighbouring Azerbaijan, transportation difficulties, and the existence of the earthquake zone, only 35 per cent of which has been reconstructed.

Nevertheless, having accommodated over 300,000 refugees from Azerbaijan, the Government of Armenia is doing its utmost to assist them in meeting their needs. Simultaneously, essential steps, including the adoption of appropriate legislation, are being taken towards integrating them into society. In November 1995, the Parliament passed the Law on Citizenship, providing the refugees with the right to become citizens of the Republic of Armenia.

The people of Armenia greatly appreciate the humanitarian assistance extended to the refugees by individual States, international organizations, and various non-governmental organizations. In this respect, we particularly commend the activities of the Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the United Nations Children's Fund in Armenia directed towards the most vulnerable groups of the population: refugees and displaced persons, refugee children under 6 years old, children deprived of one or both parents, single mothers, the disabled and single elderly people.

We believe that the United Nations system and affiliated organizations should also provide assistance to those who cannot meet their own basic needs and for whom there are no other available resources for this purpose. In this regard, I would like to draw the attention of members to the humanitarian situation in Nagorny Karabakh.

Humanitarian assistance should always be based on need and on the principle of impartiality. The United Nations should make all necessary arrangements to evaluate the needs of the population of Nagorny Karabakh and to provide humanitarian assistance to them. In order for this assistance to reach the recipients, international relief efforts should have free and unimpeded access to Nagorny Karabakh. In this respect, humanitarian corridors or any other form of humanitarian space could be considered as a suitable mechanism.

We are convinced that, in order to find final and lasting solutions to refugee problems all over the world, we need to look at the root causes of these problems. Preventive activities by humanitarian and human rights organizations should be encouraged, and tolerance and respect for individual and minority rights and ethnic communities promoted.

Until those final solutions are found, direct humanitarian assistance to those in need is, and will be, of the utmost importance.

The President: The next speaker is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Biørn Lian (Norway): As one of the major contributors of personnel and resources to humanitarian assistance operations, as well as of troops to peacekeeping operations, Norway welcomes the opportunity to participate in today's important debate.

In the post-cold-war era, the world has witnessed a string of conflicts resulting from the break-up of former States and of internal conflicts accompanied by a breakdown of State authority. One tragic consequence — in some cases, even the objective — of many such conflicts has been massive population displacement. The United Nations has increasingly been presented with complex emergency situations and demands going beyond those of traditional peacekeeping operations. The new tasks and challenges include the creation of secure conditions for the delivery of humanitarian assistance to refugees and displaced persons, civilian police functions, the monitoring of human rights and respect for international humanitarian law.

Such complex emergencies require a concerted and rapid response from the international community as a whole. The first priority must be to provide urgent humanitarian assistance to civilians in need, whenever a refugee crisis occurs. Norway, as one of the largest contributors in this field, has been involved with humanitarian personnel and provisions to refugees in all the major emergencies of recent years. From the former Yugoslavia to the Great Lakes region, Norwegian relief agencies have cooperated with other national and international organizations, notably the Office of the United Nations High Commissioner for Refugees, in saving the lives of thousands of innocent civilians displaced by conflicts.

The presence of humanitarian aid workers and the assistance that they provide are in themselves important elements in the effort to protect refugees, not only from hunger and disease, but also from intimidation, killings and violations of humanitarian law. The deployment of human rights monitors, civilian police and military observers could further strengthen this protective presence. However, in recent years we have witnessed an increasing tendency for parties to conflicts to directly target civilians and refugees, as well as international and humanitarian personnel. In countering such unacceptable practices, the deployment and presence of military and peacekeeping personnel is sometimes the only way of creating the minimum of security necessary to conduct humanitarian operations. As a result, there has arisen a need to develop an integrated approach to operations which are essentially multifunctional, in that they comprise humanitarian, civilian and military elements. In undertaking such multifunctional operations, often under dangerous security conditions, the United Nations and the Security Council should give due attention, we feel, to the following issues.

First, the mandates for these operations must be clear and realistic, and must be properly explained to the local populations as well as to international media. An effective information strategy can clearly prevent misunderstandings of what the United Nations can be expected to accomplish in a particular conflict, and can avoid misinterpretations which could undermine public support for the important work of the United Nations in such conflicts. At the same time, Member States must ensure that sufficient resources are available to enable the United Nations to fulfil its mandates. Council members have a special responsibility in ensuring that there is a congruence between mandates on the one hand and resources on the other.

Secondly, the Security Council should consistently emphasize the responsibility of the parties involved for the safety of humanitarian personnel and other international staff, as well as for the protection of refugees and other vulnerable civilians, particularly women and children. It is of the utmost importance that the Council maintain a common, united stand in keeping political pressure on all parties to implement their obligations and commitments in this regard, and to ensure unimpeded access for humanitarian deliveries.

Thirdly, political pressure by the Council could entail a range of measures, including the imposition of targeted economic and political sanctions. Such measures should be formulated with a view to ensuring compliance with Council decisions, including those relating to humanitarian law, to decreasing violence and conflict, and to preventing unnecessary hardship from being imposed on the civilian population. We cannot rule out the possible use of military means in some situations where the central Government has collapsed, violations against international law and human rights are widespread, and human suffering is pervasive. Recent experience in parts of the former Yugoslavia and Somalia are cases in point.

Fourthly, coordination, cooperation and information-sharing between the military, civilian, political and humanitarian elements of a multifunctional operation are essential in ensuring the effectiveness of humanitarian assistance as well as the security of personnel. Such coordination is vital, both at United Nations Headquarters and in the field, in all phases of a potential or actual conflict, from fact-finding through analysis, planning and elaboration of the mandate, and into implementation.

In this regard, Norway is of the opinion that the mechanism for consultations with the Security Council in advance of the adoption or renewal of mandates should also include not only potential troop contributors, but also countries that are heavily involved with personnel in humanitarian operations. One could perhaps also consider ways and means of involving non-governmental humanitarian organizations in the early preparations, for example in fact-finding missions, for multifunctional operations. At the same time, care should of course be taken to avoid compromising the impartiality of independent humanitarian organizations. There is a need to establish more effective cooperative liaison between political, military and humanitarian actors, in order to avoid confusion of roles and mandates. If humanitarian organizations are seen to be on the side of enforcement actions, their mission could be jeopardized, and their personnel put at risk.

Fifthly, in accordance with humanitarian law, victims of war have a right to receive assistance, and aid workers have a right to deliver such assistance safely. Unfortunately, these rights are being violated with impunity. To put and end to this culture of impunity, those who violate humanitarian law and commit war crimes must be prosecuted actively and sentenced. The international community must provide the cooperation and the resources needed for international criminal tribunals to be effective. Norway supports the establishment of a permanent international criminal court in order to expedite the prosecution of those violating humanitarian law.

These are some of the issues that my Government believes require attention in order to ensure effective protection of humanitarian assistance to refugees and others in conflict situations. Norway would like to emphasize that close cooperation between the peacekeeping and the humanitarian elements of a multifunctional operation, based on a clear and realistic mandate, conducted with the unified political support of the Security Council and given sufficient resources, is vital to the success of our efforts.

The President: The next speaker on my list is the representative of Canada. I invite him to take a seat at the Council table and to make his statement.

Mr. Fowler (Canada) (*interpretation from French*): Thank you, Sir, for this invitation to Member States to debate protection for humanitarian assistance to refugees and others in conflict situations.

The nature of the conflicts confronting the United Nations and the Security Council has changed. Increasingly, but not exclusively, they occur within State borders. They have become more complex, with economic and humanitarian consequences affecting entire populations. This evolution has altered our traditional definition of what constitutes a threat to international peace and security. A broader concept — that of human security — is now required.

Among the most tragic humanitarian consequences of recent conflicts has been the dramatic increase in the number of refugees and displaced persons. The impact of these new conflicts is now measured in terms of tens of millions of innocent victims. In 1960, there were some 1.4 million refugees around the world. In 1996, the United Nations High Commissioner for Refugees estimated that some 26 million people fell within her competence. In addition, at least 30 million people were displaced within their own countries. UNHCR estimates that one person in 115 on our planet has been forced to flee his or her home.

The most effective means of avoiding such suffering and preventing such displacements is to resolve the root causes of emerging conflicts. The absence of the necessary political will remains the greatest obstacle confronting the international community. Humanitarian assistance can do no more than address the symptoms of a crisis. Experience has demonstrated again and again that humanitarian action, including the protection of victims, is truly effective only when accompanied by political measures to address the causes of conflict.

The international community's ability to respond to future crises is of only secondary importance to people who are already at risk. Ensuring that they are afforded basic protection is one of the most difficult challenges we face. Because of this requirement for protection, military personnel increasingly are being called upon to respond to humanitarian crises. The refugee crisis in eastern Zaire required the presence of military personnel. Canada has learned a number of lessons, both from the establishment of the Multinational Force last autumn and from other humanitarian operations in which the military have taken part: first, a thorough understanding of the capabilities and roles of each of the partners is an important factor in any response to a complex emergency. Secondly, any confusion among political, military and humanitarian mandates merely serves to impugn the impartiality of humanitarian actors. Thirdly, an intervention force must have clear military objectives and must be equipped with the means necessary to achieve them. Finally, efforts to disarm belligerent parties in order to separate refugees from combatants are inherently dangerous if an intervention force is not structured or equipped for such a mission.

(*spoke in English*)

While the limited use of military personnel may, under certain circumstances, provide an appropriate response for the protection of refugees and the protection of humanitarian assistance to refugees, the deployment of soldiers does not constitute the only, or even the most desirable, means of approaching such protection. Instead we must consider adopting new, largely preventive, approaches to better respond to complex emergencies and to provide more effective assistance to their victims.

Canada continues to support United Nations efforts to establish a rapidly deployable mobile headquarters to improve the United Nations system's ability to respond rapidly to complex emergencies. This was the principal recommendation of the rapid reaction study submitted by Canada some two years ago. We are indeed disappointed that the rapidly deployable mobile headquarters is still not yet operational, in spite of its having been endorsed by both the General Assembly and the Secretariat. The faster the United Nations can respond to a crisis, the greater the likelihood that the dramatic and disruptive consequences of such crises, including massive population flight, can be contained or avoided. The need for the rapidly deployable mobile headquarters is clear, and we urge that it be made operational as quickly as possible.

To further increase capacity for prevention, it is essential that coordination among the Departments of Political Affairs, Peace-keeping Operations and Humanitarian Affairs be strengthened. In addition, humanitarian agencies — including the Office of the United Nations High Commissioner for Refugees, which plays a vital role in refugee protection — must be fully integrated within the consultative and planning processes for complex emergencies. We welcome the establishment by the Secretary-General of the Executive Committees for Humanitarian Affairs and for Peace and Security. These represent an excellent start at making possible a more coordinated and coherent system-wide response to humanitarian crises.

Similarly, a greater focus on United Nations peace-building efforts can serve to mitigate conflict situations which might otherwise produce refugee flows. We in Canada have begun to re-examine and modify the tools available to us to enhance our ability to launch and maintain peace-building operations in such areas as preventive mediation and dialogue, monitoring, refugee protection, human rights investigations, police force training, judicial reform and demobilization. We look forward to working closely with other countries in exploring innovative approaches to peace-building. Last autumn, we announced the creation of a Canadian Peace-building Fund which will better enable us to take up the challenge of protecting and building a durable peace in countries experiencing recurrent conflict.

It is also essential that we expand the roles played by the High Commissioner for Human Rights and other United Nations agencies responsible for protecting human freedoms. It is equally important that we integrate their activities with those of the United Nations political and humanitarian bodies and with its conflict-prevention, peacekeeping and peace-building operations.

In considering the issues before us, we should also address the precarious situation of humanitarian personnel in the field. I take this opportunity to express Canada's profound concern at the numerous attacks recently perpetrated against United Nations personnel and the staffs of other international organizations. These individuals take huge personal risks in order to assist others. The growing number of casualties among humanitarian workers demands that we give urgent attention to improving security measures for humanitarian personnel. We welcome the presidential statement adopted on 12 March by the Council on the protection of humanitarian and other United Nations personnel. The Governments or authorities in the countries in which they operate must be held responsible for the protection of United Nations and other aid workers.

Canada condemns, in the strongest possible terms, all attacks on humanitarian personnel. The International Red Cross and Red Crescent Movement has paid a particularly high price. The murder of 10 members of the Zairian Red Cross some days ago is the most recent, but horrible, example. A Canadian, Nancy Malloy, and five of her Red Cross colleagues were savagely murdered in Chechnya on 17 December 1996. We believe that no effort must be spared to ensure that the persons responsible for these murders are brought to justice as quickly as possible. We wish to emphasize the great importance that Canada attaches to thorough and rapid investigations to uncover all the facts associated with such events.

The establishment of international tribunals to adjudicate violations of humanitarian law in Rwanda and the former Yugoslavia constitutes a critical step towards eliminating impunity and improving protection for the victims of conflict. They demonstrate that we intend to hold individuals accountable for the atrocities they commit or allow to be committed. That is why we need urgently to establish an effective, permanent international criminal court, to avoid the requirement to create tribunals on an ad hoc basis. An international criminal court would allow us to combat large-scale violations of human rights and international humanitarian law as well as to provide more effective protection to refugees and other victims of conflicts.

We should make better use of the conflict-prevention and conflict-mitigation tools that are now at our disposal. We must be innovative in establishing new approaches to confront emerging or actual conflicts. Above all, we must demonstrate more effective collaboration and greater cooperation in seeking innovative political, military, humanitarian and development solutions, in order both to prevent conflicts and to respond more quickly and effectively when they occur.

The President: The next speaker is the representative of Slovenia. I invite him to take a seat at the Council table and to make his statement.

Mr. Türk (Slovenia): It gives us great satisfaction to see you, Sir, presiding over the Security Council's present discussion on protection for humanitarian assistance to refugees and others in conflict situations. The subject is vast and important, and we hope that this discussion will contribute to the quality of the future decisions and other activities of the Security Council. We commend you for your wisdom and perseverance, which made this discussion possible.

Each year the General Assembly considers the report of the United Nations High Commissioner for Refugees. The recommendations adopted by the General Assembly relate to all aspects of the problems of refugees, as well as to specific areas of priority concern. As such, they represent a helpful contribution to the decision-making of the Security Council. We believe that the present discussion should proceed from that body of opinion and attempt to take a step forward towards identifying the current priorities for the Security Council, or, as appropriate, towards drawing the necessary lessons which should guide future action.

In the period following the end of the cold war, humanitarian crises and the resulting refugee flows proliferated at an unprecedented rate. For many Governments and other international actors, humanitarianism has occupied a central place. Most often humanitarian emergency situations reflected a variety of symptoms and causes, and were most often described as complex emergency situations — a term which has emphasized the need for an urgent and comprehensive response.

However, the terminology of complex emergency situations added little to the capacity to explain the principal causes of conflict or to the ability to devise adequate policies in response to emergency situations. Obviously, adding a sense of urgency to the search for solutions does not always guarantee the adequacy of the solutions proposed.

The first, and perhaps the most important, lesson learned in these few years is, I believe, clear and simple: humanitarian action must not be used as a substitute for political or — where needed — military action. In his recent statement to the United Nations Association of Japan on 13 May 1997, the Secretary-General referred to this lesson by stating the following:

> "Humanitarian assistance is essential. But there is a growing recognition of the fact that emergency relief is only a palliative. It offers crucial but only temporary succour from often terrible circumstances. It is no substitute for action aimed at tackling the roots of a crisis".

The basic question for the Security Council in its effort to protect humanitarian assistance to refugees and others in conflict situations is the question of a political framework for humanitarian action. Much has been said about this question in past years. It is useful to recall the opinions and recommendations put forward at a recent meeting — the most recent in the cycle of Singapore conferences — which discussed, at the end of February this year, the interface between humanitarian action and peacekeeping operations. The opening part of the concluding document of the Singapore Conference can be summarized in the following two basic points.

First, the responsibility of the Security Council remains a key element in the international community's response to humanitarian crises. In several cases which involved complex emergencies, the decision-making process of the Council did not often work well. For a number of reasons, some of the Council's decisions and resolutions have been weak, inconsistent, ambiguous, ill-timed and, in certain instances, too numerous. This flaw has had far-reaching implications for the operations in the field, both for the victims of the conflicts, and for others — in particular, peacekeepers and humanitarian workers.

Secondly, the Security Council defines the mandates and objectives of United Nations operations. It thereby determines the political framework for both military and humanitarian action. Its approach, its grasp of the issues, and the degree of unity among its members will determine the success or failure of missions.

It could be added that it is essential that the mandates and objectives of United Nations military operations be defined with precision and coherence and that the fundamental distinction between peacekeeping and peace enforcement be kept in mind in the preparation of decisions.

This does not mean that the Security Council should necessarily refrain from military enforcement in all situations. Quite to the contrary — as, most specifically, the experience in Bosnia and Herzegovina showed — peace enforcement may be the only effective response to the mounting problems of a complex emergency situation. Furthermore, the elements of enforcement action proved to be more effective and less risky in that situation than originally thought.

Another lesson re-learned in the past few years is that prevention is always better than cure. Moreover, recent practice has showed that prevention is possible. In addition to preventive diplomacy, which is always the preferred option, albeit not always an available one, preventive deployment may considerably reduce the danger of complex emergencies. The multinational protection force for Albania, established in accordance with Security Council resolution 1101 (1997) of 28 March this year is the most recent example of such a preventive operation. Slovenia is among the Member States contributing troops to that operation.

The multinational protection force has already provided important experience. As suggested in the bi-weekly reports of the Secretary-General to the Security Council regarding that operation, the mere presence of the protection force has an important stabilizing and therefore preventive effect. This is important also because such a preventive effect makes it possible to avoid some of the more complex issues concerning cooperation between the military force and humanitarian operations — that is, the type of issues which would necessarily arise if the situation were allowed to escalate into an armed conflict.

In a general, system-wide perspective, it is possible to discern a variety of further mechanisms that have considerable preventive potential which needs to be developed further. Above all, carefully targeted economic assistance and development aid can help prevent economic problems from degenerating into political or ethnic conflicts and the resulting humanitarian emergencies. A stronger and more effective human-rights machinery would expose, in a timely and objective manner, violations of human rights leading to armed conflict or humanitarian emergencies. An international criminal tribunal, once established and operational, would deter potential perpetrators and planners of crimes from such heinous acts as genocide and other grave breaches of international humanitarian law.

While the Security Council cannot directly influence the evolution of the United Nations system as a whole, it has an important responsibility for the system-wide effects of its actions. Most specifically, it must ensure the effective functioning of the organs it has created. The two ad hoc criminal tribunals created by the Security Council — established with the task of bringing to justice persons responsible for serious violations of humanitarian law in the former Yugoslavia and in Rwanda — vitally depend on the effectiveness that only the Security Council and its members can provide. Furthermore, the success or failure of these tribunals will be decisive for the establishment of the future international criminal court. It is not difficult to see the important preventive potential such an international court could have, provided that it is given the necessary effectiveness. And it is important to understand that the test of the effectiveness of a future international criminal court is not a matter for some distant future. The critical test for the United Nations and its Security Council is today, and it has to be passed now. The criminals must be transferred to the tribunals for trial, and the Security Council must demonstrate its ability and willingness to ensure the effectiveness of the tribunals it has created.

Preventive action, while always preferable, is not always possible. The challenges involved in the protection of humanitarian action in conditions of active armed conflict need to be dealt with. Recent practice appears to give rise to several lessons which need to be taken into consideration in the future. The problem of timeliness and adequacy of response to an emergency situation continues to haunt the Security Council. Moreover, in situations in which military action is authorized or taken by the Security Council, it is necessary to ensure that military support for humanitarian action does not become a substitute for the necessary political action. In particular, the military should not be placed in the humiliating position of being expected to implement an expanding and insufficiently clear mandate and, at the same time, being inadequately mandated or equipped to confront gross violations of humanitarian law and human rights. There is a need to clearly distinguish between peacekeeping and peace-enforcement objectives. Shifting from one objective to another within the same operation can have very serious negative consequences on both the military and the humanitarian components of the mission.

Another basic question relates to coordination of humanitarian and political-military action. It appears that the experience of recent years has confirmed the need for a carefully coordinated approach. While it is necessary that humanitarian activities, especially those carried out by the International Committee of the Red Cross and other non-governmental organizations, remain independent and that the requisite humanitarian space is respected, it remains equally important that the humanitarian aspects of a United Nations operation be properly placed within a comprehensive approach which includes political, military and humanitarian aspects of the operation. And again, humanitarian action should not be allowed to become a substitute for political action.

In the process of delivering humanitarian assistance and in the analytical work and decision-making of the Security Council, it is necessary to ensure that protection from violations of humanitarian law and human rights is seen as an integral part of humanitarian and military activity. As a minimum it is necessary to ensure that military and civilian field personnel are not made silent witnesses to grave violations of humanitarian law and human rights.

Moreover, the experience of some recent peacekeeping operations has shown that quick action by peacekeeping forces can prevent gross abuses and can have a deterrent effect, and, perhaps most important, that such action is compatible with the role of peacekeepers. Peacekeepers and other personnel must be properly trained in matters concerning respect for humanitarian law and human rights. The expected directives on international humanitarian law for United Nations forces will be valuable in this context.

And finally, the United Nations should not condone the abuse of human rights by its personnel. The cases of abuse of the rights of children described in paragraph 98 of the report by Ms. Graça Machel on the impact of armed conflict on children (A/51/306) must be a source of serious concern for the Security Council, and it is necessary to ensure that similar practices do not occur in the future.

The reports of the Office of the United Nations High Commissioner for Refugees to the General Assembly describe the efforts to protect particularly vulnerable groups, such as women and children, and the need to provide special assistance to them. Their health care and education deserve further effective assistance, and the Security Council should consider, in each situation, the most effective measures to make such assistance possible. Slovenia, which has been a country of first asylum for many refugees from Bosnia and Herzegovina, has made special efforts to satisfy the needs of refugee children in the fields of health care and education. It is important that the United Nations High Commissioner for Refugees has made considerable progress in integrating the concern for the special protection needs of these groups, especially those of children, into the planning and implementation of UNHCR's own programmes. Support for such programmes is a vital necessity.

We believe that the Security Council and other United Nations organs should also continue to support the concept and practical programmes of the UNHCR's threefold strategy, a strategy which includes prevention, emergency assistance — including the encouragement of appropriate regional approaches to situations which generate refugee flows — and, finally, enabling the voluntary repatriation of refugees.

In each of these three types of circumstances there is a role for the Security Council. That role could be more or less directly linked to the specific needs of refugees. For example, the absence of an immediate threat to peace in situations where the repatriation of refugees is delayed does not mean that the Security Council can remain idle. Its proper role should be sought in each of these types of circumstances. While the work of the Security Council is mainly situation-specific, a general discussion such as the present one can help in addressing broader issues and in providing guidance which will help in specific situations.

The President: I should like to inform the Council that I have received a letter from the representative of Azerbaijan, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Aliyev (Azerbaijan) took a seat at the side of the Council Chamber.

The President: The next speaker is the representative of the Netherlands. I invite him to take a seat at the Council table and to make his statement.

Mr. Biegman (Netherlands): I have the honour to speak on behalf of the European Union (EU). The associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic have aligned themselves with this statement, as have Iceland and Liechtenstein.

In the post-cold-war era, an era of bitter intra-State conflicts, the international community has been confronted with new challenges to provide humanitarian assistance and protection to refugees and persons displaced within the borders of their own countries. The United Nations is making a concerted effort to develop a coherent approach to dealing with the assistance and protection needs of both refugees and internally displaced persons, 80 per cent of whom are women and children. Outside the United Nations, the European Union and other regional bodies, as well as non-governmental organizations, are also exploring new ways to alleviate these problems. The international community is increasingly called upon to provide comprehensive responses to crises which meet the political, military and the humanitarian demands of the situation.

Over the past few years, the nature of crises in which humanitarian workers are engaged has changed considerably. One of the most troubling aspects is the fact that the safety of refugees and humanitarian workers — indeed, one of the cornerstones of international humanitarian law — has increasingly come under attack. In some cases, such as recently in the Great Lakes area, there is a deliberate targeting of refugees as part of the military strategy of the parties in the conflict. As a result, civilian refugees and humanitarian workers are also increasingly at risk. It is important to distinguish between civilian refugees and belligerents. It is unacceptable that one or more parties to a conflict intentionally target refugees or the humanitarian workers who are trying to provide relief or protection to them.

In the intra-State conflicts with which we are so often confronted, both the recipients and providers of humanitarian assistance and protection can be at risk. It is in response to those risks that a peacekeeping or other military force is sometimes mandated and deployed. Such was the case recently with the multinational force in Albania. Experience has shown that forces operating under a United Nations mandate are increasingly involved in protecting humanitarian relief workers, such as those representing international agencies and non-governmental organizations, from attacks by belligerents.

United Nations peacekeeping forces have also been mandated to be directly involved in humanitarian assistance. They have delivered humanitarian food supplies to refugees and established areas to protect those residing there from the threat or use of force. In the United Nations Mission in Haiti (UNMIH), as in so many other peacekeeping operations, peacekeepers were involved in small-scale humanitarian activities which contributed to the success of the operation.

The presence of United Nations peacekeeping forces whose mission is largely to support humanitarian assistance has in several cases helped to establish more secure conditions. In some cases it prepared the way for a peace settlement by demonstrating the readiness of the international community to assist and monitor such an outcome. Nevertheless, it remains important to differentiate clearly between peacekeeping and humanitarian assistance, since too close a link between humanitarian aid delivery and a military operation could, in some cases, endanger the perception of impartiality associated with humanitarian aid.

We increasingly face security situations which hamper the delivery of humanitarian assistance. The following issues should be given further attention to address this situation.

The Council should insist that in concrete situations safe and unimpeded access for international humanitarian organizations, such as UNHCR, to refugees in and outside camps is ensured.

Refugee camps should never be misused as military bases.

All parties involved in a conflict should ensure the safety of humanitarian personnel and human rights monitors. The Council should emphasize, whenever appropriate, the responsibilities of host States and parties concerned in this respect.

No attempt should be made by warring parties to use humanitarian assistance for political objectives that would endanger the impartiality of the humanitarian assistance.

The mandates and nature of specific operations also need to be clearly explained to local populations and to the international media through a proactive and coordinated public information strategy, including through the deployment of United Nations radio stations.

Clarity and feasibility are essential to United Nations mandates and missions, which should also be based on accurate and up-to-date information to ensure the protection of humanitarian assistance. Both the Security

Council and humanitarian organizations should not just recognize the possible support and military protection a peacekeeping force can provide, but should also realize the limitations which the mandate of the military operation entails. On the other hand, the peacekeeping operation should be kept informed of the plans and intentions of the humanitarian relief effort. This requires effective and close coordination, both at headquarters and in the field.

Greater cooperation in pooling and accessing information between the humanitarian community, the peacekeeping operation, other actors and the United Nations as a whole will improve the precision of risk assessments. Where present, the special representative of the Secretary-General has a key role to play in this area.

It is clearly important to restore civil order in an early phase and thereby decrease the risk of loss of life of refugees, United Nations personnel and humanitarian relief workers. This calls for an expanded role for civilian police in United Nations peacekeeping operations, *inter alia*, through assistance to local police forces, as well as in contributing to the restoration of the rule of law, promoting respect for human rights and international humanitarian law and fostering civil reconciliation. For the same purpose, a United Nations human rights field presence has been established in a number of cases, often as an integral part of a United Nations peacekeeping operation.

All parties to armed conflicts must respect human rights and international humanitarian law. Those who violate such law or commit war crimes must be prosecuted actively and, if found guilty, sentenced accordingly. In some recent instances, international tribunals have been established. The EU reiterates its support of these tribunals and reaffirms that all States concerned have an obligation to cooperate fully with them. The statute of a permanent international criminal court is being negotiated and the European Union supports its negotiation and participates actively in it.

Lastly, given the prominence of women and children among refugees, special attention should be given to preventing violence against women and children, as well as raising more generally the awareness of international humanitarian law and human rights among all relevant personnel.

More generally, the need for full cooperation with United Nations mechanisms was stressed by the European Union during the fifty-third session of the Commission on Human Rights. During that session, the Commission adopted by consensus a resolution on the human rights situation in Zaire, as that country was called at that time. It was decided to carry out a joint mission to investigate allegations of massacres, as well as other issues affecting human rights in the eastern part of the country. The European Union deeply regrets that this mission was prevented from implementing its mandate; it calls upon the new authorities in Kinshasa to enable the mission to fulfil that mandate and encourages the Security Council to maintain its interest in this issue.

Respect for human rights and international humanitarian law is a basic precondition for the effective protection of humanitarian assistance to refugees and others in conflict situations. Greater cooperation between peacekeeping and the humanitarian community is required. Peacekeeping should focus primarily on contributing to the creation of a secure environment, while humanitarian organizations should concentrate on the effective delivery of humanitarian relief assistance and the protection of human rights and humanitarian law. When the provision of humanitarian relief assistance is envisaged to be provided within the context of a peacekeeping operation, it must be based on a clear and feasible mandate from the Security Council, and the international community should provide the necessary resources for the successful completion of that mandate.

The President: The next speaker is the representative of Germany. I invite him to take a seat at the Council table and to make his statement.

Mr. Henze (Germany): Like others, we are grateful to you, Sir, for initiating an open debate on a subject which is both of prime importance and, unfortunately, very topical and also of major interest to my country. Germany has been and continues to be one of the most important havens for refugees and displaced persons.

Given the threat to security and stability posed in some regions by massive flows of refugees across international borders, in particular as witnessed in the Great Lakes region, it is only appropriate that the Security Council should turn to this question and examine ways to contribute to protecting humanitarian aid to refugees and displaced persons. What we are attempting to do today cannot be but a first gathering of ideas and comparing of concepts and we shall certainly have to revert to the subject more often in the coming months and years.

My delegation would first of all like fully to endorse what the Permanent Representative of the Netherlands stated on behalf of the European Union.

Over the last couple of years, we have witnessed some counter-current tendencies: on the one hand, an increasing willingness, coupled with an improved capability, on the part of the international community to provide humanitarian assistance to refugees and other affected populations; on the other, a worrisome development whereby civilian populations are denied humanitarian assistance by the Powers in control of the territory, in clear breach of the norms of international humanitarian and human rights law. The consequences of these actions are nefarious and far-reaching. They range from brutal death by starvation or lack of medical attention to massive displacements of whole populations striving for survival.

Apart from the traumatic consequences for the individuals concerned, this also engenders problems for the wider outside world. Neighbouring countries are faced with problems of the instability and economic and financial burdens that come with large refugee flows, but assistance to refugees also places a considerable financial strain on the international community as a whole. It can reduce resources which are urgently needed for assistance in long-term economic and social development.

It is important to distinguish between humanitarian assistance and peacekeeping. Humanitarian agencies and their personnel must preserve their impartiality and independence so as not to be drawn into the conflict itself. There are many situations in which humanitarian aid has been and is still being delivered without the need for a peacekeeping operation or where humanitarian agencies can work side by side with such an operation without a special need for protection. This is how it should be. But sometimes, unfortunately, there simply is no choice.

When the neutrality of a humanitarian operation is questioned by the parties to a conflict, when humanitarian organizations are arbitrarily denied access to refugees and displaced persons or access is prevented due to the security situation in the area, and people's lives are put at risk because of a lack of food and shelter, then the Security Council is asked to take action.

This same idea was ably expressed in the Supplement to "An Agenda for Peace". In many humanitarian crisis situations,

> "the resulting horrors explode on to the world's television screens and create political pressure for the United Nations to deploy troops to facilitate and protect the humanitarian operation. While such images can help build support for humanitarian action, such scenes also may create an emotional environment in which effective decision-making can be far more difficult." (*S/1995/1, para. 18*)

Support for humanitarian action has often become an important part of peacekeeping. Examples range from Somalia and the former Yugoslavia to the latest conflict in the Great Lakes region and Albania. To a large extent, it was the humanitarian problem that started these operations.

On the other hand, the quotation also hints at an underlying problem: since decisions regarding humanitarian emergency situations are often influenced by pressure of international public opinion, a considerable degree of ad hoc decision-making often prevails. In other words, the "emotional environment" is not always conducive to the best, most logical or most feasible solution.

From this follows the need for political guidance. The Special Committee on Peacekeeping Operations, in its report adopted just a few days ago, made an interesting suggestion in this respect. While emphasizing the need to differentiate between peacekeeping operations and humanitarian assistance, it

> "considers that peacekeeping operations can play a role, subject to the mandates established by the Security Council, in contributing to the creation of a secure environment for the effective delivery of humanitarian relief assistance. Accordingly, the Special Committee believes there would be value in achieving improved coordination between peacekeeping operations and the United Nations and other agencies or organizations within their given mandates."

The role of the Security Council in this respect begins with the mandate. Mandates have to be clear, balanced and feasible. If they are not, the humanitarian support operation may forfeit the consent of the parties and is likely to fail. Mandates should also be clear about who does what. This does not mean that they must deal with all humanitarian assistance aspects as such. But they must at least strive to assign a clear role to the peacekeepers in this respect. Obviously, humanitarian assistance, as a rule, should not be done by peacekeepers. But, on the other hand, there may often be a reason for some kind of dual role, both military and civilian, for peacekeepers as well. In any event, it seems doubtful whether there really is a clear-cut fault line between peacekeeping and humanitarian assistance in a conflict environment. Even humanitarian assistance as such will be drawn, in one way or another, into the conflict's own very specific logic. A mandate in an international operation must take this into account, or else it will fail.

Coordination is not a one-way street. It calls for the involvement of all competent bodies in the decision-making process leading to a humanitarian operation. This may include individual Member States, regional organizations, non-governmental organizations and United Nations and other agencies or organizations. The aim must be to achieve a maximum of synergy between the peacekeeping component and the activities of the other actors, and to use their respective comparative advantages. Efforts should be made to improve the flow of information in all directions — to the Council in the form of expertise, and from the Council as a political frame for action.

At the field level, the coordinating role of the special representative of the Secretary-General must be enhanced. He or she must be the head of the family. But how far, in real life, does this authority reach? Experience shows that the special representative of the Secretary-General may be able to have his say within the broader United Nations family. But when it comes to individual Member States or to non-governmental organizations, there is a clear limit to such coordination. What, then, could be done to ensure that the whole international community in the field, in a given relief operation, moves in the same direction?

It is evident that a debate such as today's will of necessity leave a number of questions open, yet those questions constitute precisely one of the reasons for having such an exchange. The issue of whether the Security Council should, under certain circumstances, try to enforce the delivery of humanitarian assistance, remains one of the most contentious and thorny ones. Just one week ago, the German President, Mr. Herzog, raised a similar point right here in New York. He asked whether human rights should be safeguarded using military means if need be, and whether we were not even under a moral obligation to be prepared to use military means in cases of actual or potential genocide.

The situations we are discussing today tend to be complex; distinctions between respect for human rights and international humanitarian law, so clear in theory, are often blurred in present-day conflicts. But while we might differ as to whether a certain case constitutes a violation of human rights or international humanitarian law, or whether we should indeed consider enforcement operations to ensure that humanitarian assistance can reach people in need, there is another point we should be able to agree upon: United Nations organs and individual Member States must not leave any doubt, vis-à-vis the violators of these norms, that they will be held accountable for such action or negligence. We have seen encouraging signs over the past few years: war-crimes tribunals have been established, and negotiations on an international criminal court are currently under way.

We have witnessed dramatic changes in Zaire, or the Democratic Republic of Congo. A number of events which have occurred there over the past months have a direct bearing on the subject of today's debate. My Government urges President Kabila to reaffirm his commitment, previously given to the Office of the United Nations High Commissioner for Refugees (UNHCR), and to extend to it his full cooperation. We also call on the new Government to enable the Commission of Enquiry, which was mandated by the Commission on Human Rights, to expeditiously fulfil its task and extend to it, too, its full cooperation.

As I stated at the outset, today's debate can only be a beginning. We look forward to continuing this debate with all other interested delegations so that we can come up with pragmatic and viable solutions for those in need, who have set their hopes on the United Nations.

The President: The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kamal (Pakistan): It is a pleasure to address the Council under your distinguished presidency, Sir.

The problem of refugees is one of the greatest human tragedies that confronts the international community in the contemporary development of international politics. Despite the marginal decline in the number of refugees during recent years, the overall population of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) still stands at over 26 million people. Since refugee crises transcend national boundaries, the United Nations needs to play a more assertive role in preventing and resolving conflicts that cause refugee movements. It should use its existing mechanisms of preventive diplomacy, peacekeeping, peacemaking and peace-building to avert humanitarian disasters in a timely and efficient manner.

The present-day scenario with regard to protection for humanitarian assistance to refugees and others in conflict situations is not very encouraging. The drift and selective avoidance that have characterized the international community's post-cold-war approach to victims of abuse and conflict have been devoid of a steady commitment to the humanitarian principle. Although the cold war is gone, its legacy of arms and firepower still plagues the world.

Victims of conflict situations include refugees and internally displaced persons, as well as people trapped inside conflict zones.

The protection of civilians in armed conflicts is clearly provided for by humanitarian law. The 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, along with the two additional Protocols of 1977, provides international guidelines for the provision of assistance to victims of armed conflicts. These guidelines emphasize that help must be neutral, impartial and humanitarian. Neutrality implies a refusal to take sides. Impartiality implies that aid is given only on the basis of need. Similarly, the humanitarian principle upholds the protection of life and the relief of human suffering as the sole purpose of interventions by the international community.

There should be no discrimination or differentiation in humanitarian assistance on the basis of religious affiliation, gender or political persuasion. We remain seriously concerned over current trends to link humanitarian assistance to such extraneous issues as the social norms, customs or religious views of the people concerned in or affected by a conflict. Such a linkage violates humanitarian principles and could seriously erode the credibility of humanitarian agencies in the field.

Pakistan fully shares UNHCR's concern that adherence to refugee protection in theory is not sufficiently matched by observance in practice. The safe and adequate protection of refugees, as well as the delivery of humanitarian assistance to them, should continue to remain the core concern of the international community.

The challenge before the international community is therefore to come up with innovative ways and means to resolve existing, long-standing refugee situations and to prevent the proliferation of new crises of human displacement. The complexity of refugee problems calls for a more concerted response by the international community to ensure lasting solutions.

The pros and cons of adopting such an approach have been clearly demonstrated in Cambodia and Afghanistan. In the success story of Cambodia, the provision of humanitarian assistance was complemented by a simultaneous effort by the international community to resolve the root causes of the conflict. Conversely, in the case of Afghanistan, the premature scaling down of humanitarian assistance without simultaneously resolving the root causes has currently resulted in a potentially serious and explosive situation.

The pursuit of durable solutions should therefore be reinforced through prevention, conflict resolution and post-conflict peace-building. The quest for durable solutions can succeed only if we go upstream, with a well-defined political will, towards resolving the root causes of conflicts and violence. Pakistan firmly believes that early intervention is of vital importance in resolving explosive situations before they erupt and escalate into humanitarian disasters. A system of early warning, meticulous planning and close coordination between the Security Council, the General Assembly, the Department of Humanitarian Affairs, UNHCR and human rights machinery, within their respective mandates, can, in addition to avoiding duplication of efforts, effectively address situations which result in massive refugee outflows.

Pakistan fully subscribes to the recently adopted conclusion of the Special Committee on Peacekeeping Operations, which emphasized the need to differentiate between peacekeeping operations and humanitarian assistance. We also strongly support the conclusion that peacekeeping operations can play a role, subject to the mandates established by the Security Council, in contributing to the creation of a secure environment for the effective delivery of humanitarian relief assistance.

The existing refugee situation in the Great Lakes region of Africa deserves the urgent attention of the international community if a real tragedy is to be prevented. In instances where humanitarian agencies and programmes can no longer guarantee protection for humanitarian assistance to civilians in internal armed conflicts, the international community must find ways of ensuring the protection of life and the relief of human suffering. Such interventions would reap multiple benefits, such as the possible prevention of massive refugee flows and, consequently, a lessening of the heavy financial demands placed upon the international community as a result of the refugee problem.

For its part, Pakistan fully subscribes to the view that, despite the situation in Afghanistan, voluntary return continues to remain the preferred durable solution for the 1.5 million Afghans who have currently sought refuge in Pakistan. Pakistan has continued to pursue the most generous and open-door policy towards Afghan refugees. We have not only continued to provide them with shelter and humanitarian assistance from our own meagre resources, but have also allowed them a great degree of free movement inside Pakistan. When international assistance was drastically reduced, we did not implement the easy solution of forcible repatriation, but continued, at an enormous administrative, economic and social cost, to assist the Afghans ourselves. Needless to say, this burden has been substantial for a developing country such as Pakistan.

In conclusion, protection for humanitarian assistance to refugees and others in conflict situations must be accompanied by a thoroughly planned, concerted and well-coordinated effort, by all the United Nations agencies, to resolve the root causes of conflicts. This effort must, however, strictly abide by the fundamental principle of neutrality through the mobilization and involvement of all actors in civil society.

The President: The next speaker is the representative of Cuba. I invite him to take a seat at the Council table and to make his statement.

Mr. Núñez-Mosquera (Cuba) (*interpretation from Spanish*): I would like to congratulate you, Sir, on presiding over the Security Council for the month of May. I would also like to congratulate your predecessor in this post, the Ambassador of Portugal, on the manner in which he led the work of the Council in the month of April.

We would have preferred this debate to have taken place in the General Assembly, a democratic organ with transparent working methods where all Member States of the United Nations are represented on an equal footing. The kind of humanitarian assistance the United Nations can provide is much more closely related to the work of the General Assembly and the Economic and Social Council than to that of the Security Council.

The Security Council, as stipulated in the Charter of this Organization, is the organ entrusted with maintaining international peace and security. Its actions should be confined to international conflicts that may endanger peace and security between nations; it is not empowered to deal with questions related to humanitarian assistance.

However, as it happens, the Security Council has taken it upon itself to make decisions on humanitarian assistance with unwonted vigour. The Security Council has granted itself the right to determine when, why and how humanitarian assistance should be offered, through decisions and actions designed and inspired by the interests of certain of its permanent members.

With increasing frequency the Security Council issues pronouncements creating mandates that commingle peacekeeping activities with humanitarian actions, or even with activities that fall within the sphere of economic development.

It is truly a matter of concern to witness, in the guise of humanitarian assistance, the use of military force and attempts to justify real armed interventions, which, understandably, are rejected by the peoples of the countries concerned. Hunger, poverty and disease cannot be eradicated by using soldiers and weapons. Humanitarian assistance, therefore, cannot be linked with the use of force.

Internal conflicts are essentially different from those that the Security Council, in accordance with the Charter of the United Nations, is competent to act upon. For this reason, the usual procedures governing United Nations actions in international conflicts cannot mechanically be applied to these cases.

At the heart of many conflicts lies an appalling economic situation and many centuries of exploitation and pillaging of the natural resources of other countries. Such conflicts cannot be resolved without also resolving their root causes. Moreover, one cannot ignore the existence of other organs of the United Nations whose reason for being is to provide humanitarian assistance, such as the Office of the United Nations High Commissioner for Refugees, various specialized agencies and the Economic and Social Council itself in its role as the coordinating body.

The fact that in recent times we have seen a tendency to confuse humanitarian assistance with humanitarian assistance operations has detracted from the value of the former. To put humanitarian assistance in the hands of the Security Council by definition gives that form of assistance a coercive and military character, which does nothing to contribute to the truly effective utilization of this assistance by the peoples affected. This could even give rise to conflict situations, which are counter-productive with regard to this type of activity.

In its resolution 46/182, adopted by consensus on 19 December 1991, the General Assembly established the principles governing the coordination of emergency humanitarian assistance in the United Nations system. This task must be discharged by all the Members of the United Nations, not just a few. These principles include, notably, respect for sovereignty, territorial integrity and the national unity of States, as well as the consent that is required from affected countries.

The manner in which humanitarian assistance is being handled, in disregard of established principles and of the Charter of the United Nations itself, gives rise to a great many questions, from the increasing politicization and militarization of humanitarian assistance to the frequent predominance of political objectives over humanitarian aspects. This shift in the meaning of humanitarian assistance is tending, gradually and increasingly, to undermine the sovereignty of States and to impose conditions on assistance for development.

For this reason, there must be a clear conceptual and practical differentiation between peacekeeping operations and what are known as humanitarian assistance operations. It is the responsibility of the Security Council to take action in situations that endanger international peace and security and to take various measures provided for in the Charter, but it is not the Council's responsibility to devise or take part in a humanitarian assistance operation.

I should like at this point to comment on the so-called complex emergencies and on what is known as the integrated approach. To try to link these concepts in order to justify the Security Council's playing a role that it should not play in this field would lead to flagrant violations of the Charter of the United Nations and of the principles contained in General Assembly resolution 46/182. In addition, this would bring about a militarization of humanitarian assistance, with all the harmful effects that would entail. So-called complex emergencies must be the responsibility of the entire United Nations system, and in particular of the organs that deal with assistance in disaster situations or others of a similar nature. They are not the responsibility of the Security Council. Any exceptions that may arise must be considered on a case-by-case basis and cannot become rules for the establishment of principles.

Cuba acknowledges the importance of the promotion of respect for internationally recognized humanitarian principles, and we reiterate once again our unswerving support and ongoing readiness to provide the necessary assistance to peoples in a state of crisis or emergency.

As was stated in the Final Declaration of the Ministerial Conference of the Non-Aligned Movement held recently in New Delhi, it is essential to draw a distinction between humanitarian action, United Nations peacekeeping operations and operational activities for development. For the sake of independence, neutrality and impartiality in humanitarian actions, such actions must be kept separate and independent from political or military action, in accordance with their respective mandates.

The President: The next speaker is the representative of Malaysia. I invite him to take a seat at the Council table and to make his statement.

Mr. Hasmy (Malaysia): My delegation wishes to commend you, Sir, on your initiative in convening this formal meeting of the Council to discuss the important issue of protection for humanitarian assistance to refugees and others in conflict situations. My delegation considers the convening of this debate as timely in the light of developments of recent years, in which the distinctions between traditional peacekeeping and international humanitarian actions have become increasingly blurred. The discussion in the Council on this issue affords us the opportunity to consider the matter in a more focused fashion, with a view to identifying problem areas and determining the appropriate measures, approaches and strategies that could be taken by the international community, and in particular by the Council, in addressing this increasingly complex issue.

Following the end of the cold war and in the wake of the profound political changes that have occurred in various regions of the world, United Nations peacekeeping operations have undergone dramatic changes. In recent years they have become more numerous and complex, given the increasingly complex and multidimensional nature of conflicts, many of which are cross-boundary in character, and have increasingly moved away from the traditional peacekeeping model. This changed situation has created an enormous challenge for the international community, specifically the Council, which is responsible for United Nations peacekeeping, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international humanitarian organizations. Classic cases in point include the situations in the former Yugoslavia, and in particular in Bosnia and Herzegovina; in Liberia; in Somalia; and in Rwanda and the Great Lakes region, which have raised questions as to the efficacy and competence of these bodies.

With regard to the Security Council, questions have been raised, *inter alia*, about the decision-making process, mandated objectives, and the approaches and strategies adopted by the Security Council with regard to the peacekeeping operations in these war-torn countries. Questions have also been raised about the relationship and coordination, or the lack of it, between peacekeeping operations mounted by the Council and humanitarian efforts undertaken by the UNHCR and other humanitarian agencies, such as the International Committee of the Red Cross (ICRC), and other non-governmental humanitarian organizations.

These questions have been raised by many Member States and individual experts, as well as by humanitarian agencies, including the UNHCR, whose High Commissioner, Mrs. Sadako Ogata, to her credit, made some very pertinent comments and observations during her address to the Council on 28 April this year — for which we should be most grateful. Mrs. Ogata, *inter alia*, highlighted the enormous problems faced by her agency, not only in the Great Lakes region and other parts of Africa, but also in the other areas of UNHCR operation, such as Bosnia and Herzegovina and Croatia. She highlighted the daunting tasks of her agency and the enormous obstacles that it has faced, and continues to face, which require more concerted international response and assistance. She also pointed out the useful lessons learned by the UNHCR, which this Council should particularly note, as well as the close linkage between humanitarian, political and security problems, which require a more integrated approach to international crisis management, involving closer coordination between humanitarian, political and military efforts. Hence her call for the establishment of a rapid-deployment capability. Equally important was Mrs. Ogata's redefinition of the concept of security, which, in the context of our times, puts human beings at the centre of these international efforts. Mrs. Ogata's views and suggestions should be examined with the seriousness they deserve.

My delegation would strongly urge the Council to seriously consider the many questions raised and observations and proposals made during this debate, as well as outside of this Council, given the intertwining nature of peacekeeping and humanitarian issues. In this regard, my delegation notes with particular interest the report of the third Singapore Conference on Humanitarian Action and Peacekeeping Operations, organized by the United Nations Institute for Training and Research (UNITAR), in collaboration with the Institute for Policy Studies, in February this year. This extremely useful report looked at the issue in a holistic manner, covering such aspects as the political framework for humanitarian actions, the relationship between humanitarian and military actions and related problems, cooperation with regional organizations and multinational forces, funding, peacekeeping and human rights, information and education, and the role of the media. The 17-point recommendations contained in the report should provide a useful basis for more detailed examination of the issue by the Council.

These recommendations deserve careful consideration by the Council. While not exhaustive, they provide an extremely useful framework for a fuller examination of the twin issues of peacekeeping and humanitarian actions in the increasingly complex political situation in the post-cold-war era in which we live, which is characterized by an essentially dynamic situation in many parts of the world. In this changed global dynamic situation, in which millions of ordinary citizens are caught in conflict zones and in the process are subjected to human-rights violations and denied essential humanitarian assistance, it is imperative that the international community make every effort to provide and ensure these citizens' protection. As implied by Mrs. Ogata, the security and well-being of people — that is, citizens of States — are not of lesser importance than the security of States themselves.

Thus, the Council is called upon increasingly to address problems which threaten to escalate and to endanger civilians caught in crisis situations. In such situations, the Council's response is expected to be immediate, bold and determined, so as to create conditions which will, first, ensure the immediate protection of these hapless civilians and, secondly, provide a framework for a durable solution to the conflicts themselves. This, in the view of my delegation, is the most important role of the Council in this post-cold-war period, and it represents the best support it can provide to organizations concerned with the humanitarian dimensions of crises, whose personnel in the field should enjoy the protection of the United Nations. My delegation supports any move to strengthen existing mechanisms for ensuring the safety of these personnel, if necessary through appropriate legal instruments.

The conditions and prerequisites for the effectiveness of any peacekeeping-cum-humanitarian operations are many and have been touched on by previous speakers. Clearly, it is of fundamental importance that mandates should be clear and precise and appropriate to the task, and that the necessary authority and resources are made available to any mission tasked with addressing protection needs. Half-measures are likely to do more harm than good, as the experience of Bosnia, Rwanda and Somalia have borne out. In those cases, protection could not be divorced or disentangled from the dynamics of the crisis, and the war strategies of the protagonists to the conflicts were designed to target and harm civilians. In such situations, where the logic of violence held sway, it was, with hindsight, neither smart nor sane to send the Blue Helmets to provide "protection" on the assumption that they could be insulated from the fighting, which had to cease if they were to carry out their protection missions effectively. The hapless situation in which United Nations peacekeepers, along with Bosnian civilians, found themselves in the so-called safe havens in Bosnia and Herzegovina was most illustrative indeed.

Another important prerequisite for effective humanitarianism is respect for strict neutrality and impartiality, and the overriding imperative to go to the aid of victims who are in need of protection and humanitarian assistance, pursuant to universal humanistic principles. Not to respect such basic, fundamental norms, including the right of people to receive assistance and the right of concerned groups to provide it, or to use humanitarian assistance as a bargaining chip for specific political objectives, however worthy, would be to jeopardize the lives of these civilians in need as well as those of humanitarian workers.

Without doubt, an equally important condition is, of course, the availability of adequate funding, which should be seriously addressed, given the continuing financial crisis of the United Nations, as without resources the best plans will go awry. This, obviously, is the responsibility and obligation of all of us States Members of this Organization.

Aside from these conditions, and as an accompanying post-conflict measure, it is important to ensure that the perpetrators of genocide or crimes against humanity will not go unpunished, hence the importance of continuing strong international support for the work of the international tribunals set up for this purpose.

My delegation believes that the convening of this formal meeting of the Council today is an important step in addressing the issue. It demonstrates the seriousness with which the Council is coming to grips with the problem, with a view to finding appropriate solutions. It is our hope that the airing of these issues of critical importance, both here in the Council and in the General Assembly, will lead to some concrete actions to ameliorate the present situation.

The President: The next speaker is the representative of Italy. I invite him to take a seat at the Council table and to make his statement.

Mr. Terzi di Sant'Agata (Italy): Let me take this opportunity to congratulate you, Sir, on your assumption of the presidency, and to compliment your predecessor, the Permanent Representative of Portugal, Ambassador Monteiro, for his excellent leadership of the Council during the month of April.

The Italian delegation fully endorses the statement made by the representative of the Netherlands on behalf of the European Union.

We welcome the Security Council's decision to hold a formal meeting on the issue of protection for humanitarian assistance to refugees and others in conflict situations. We believe that the Council cannot fulfil the primary responsibility for the maintenance of international peace and security entrusted to it by the Charter without focusing on the underlying elements upon which peace and security are built. In this regard, the issue debated today is of crucial importance. It does not only address a fundamental moral imperative — to assist human beings in need, while protecting them and the providers of help — it also represents an essential component for the peaceful settlement of a conflicts.

In the past few years, the principles which should inspire the response of the international community to the threat posed to civilians by the spread of conflicts have been called into question. Reports of the mistreatment and even the killing of refugees and the threats to humanitarian workers in the Great Lakes region are a matter of the greatest concern. But they are not the only events of this nature. In the territories of the former Yugoslavia, violence against civilians, obstruction of the delivery of humanitarian assistance and harassment of relief workers have taken place on a large scale. In countries as far apart as Liberia and Afghanistan, Angola and Tajikistan — just to mention a few — similar episodes of targeting of civilians and humanitarian personnel by military factions has occurred.

The presidency of the European Union stressed several points on which further reflection by the Council is needed. My delegation draws attention, in particular, to the necessity to hold personally accountable those who violate basic principles of international humanitarian law. We believe that the establishment of a permanent international criminal court remains the most adequate instrument to ensure the prosecution and punishment of these crimes.

In all the episodes I mentioned, the response of the international community has been far from satisfactory. We acknowledge that the United Nations and its Member States are now confronted with a new type of conflict, one which often originates within a State. The consequences for the fabric of society and for the plight of civilians are even more disruptive because of the historical animosities and ethnic rivalries frequently involved.

It is difficult for the international community to formulate a strategy to deal with situations of such complexity. However, human suffering and the danger of further deterioration exact a high price for inaction. It is in this spirit that the Government of Italy, confronted with the humanitarian crisis in Albania, proposed a limited multinational protection force to facilitate the delivery of basic goods to the population and to help create a secure environment for international organizations in Albania. To ensure the success of this operation, a number of practical steps have been taken. A steering committee has been created for guidance and for close cooperation with the participating States and with international organizations active in Albania. Cooperation with the Albanian Government, through such modalities as the presence of its representatives at the steering committee meetings, is of course, of the utmost importance.

The multinational protection force operates in close coordination with governmental and non-governmental organizations engaged in humanitarian assistance. Their role in Albania is essential too, as is the contribution provided by international financial organizations. The close coordination of all these efforts is the key to the success of the international community in Albania. A strong commitment by the international community, in conjunction with the Albanian authorities and people, is now needed to finalize and implement a clear programme of political, economic and financial assistance, which is necessary to strengthen the democratic dialogue and the recovery of the Albanian economy.

As we proceed with the operation in Albania, we are exploring with our partners in the mission and with the Albanian Government ways and means to fulfil its primary objective, namely the well-being of the Albanian people.

As the developments in Albania clearly demonstrate, humanitarian issues have an increasing and visible impact on the activity of the Council. In our fast-changing world they affect international peace and security in a number of ways. Therefore, while it is not easy to define the correct approach, respect for human life should always be the paramount consideration. It is clear that the international community is only now beginning to address these new and complex scenarios.

The President: The next speaker is the representative of Bosnia and Herzegovina. I invite him to take a seat at the Council table and to make his statement.

Mr. Sacirbey (Bosnia and Herzegovina): We are most encouraged to see you in the seat of the President of the Council for this month, Sir, and wish to express our sincere appreciation for your having initiated today's most relevant debate.

We would also like to take this opportunity to express our admiration for the manner and openness with which the President of the Council for the month of April, Ambassador António Monteiro of Portugal, conducted the Council's affairs, and for his efforts to inject a quality of greater transparency.

We will keep our comments brief and to the point, and will avoid the ambiguity that sometimes saturates diplomatic language.

The issue before the Council today is, unfortunately, still too painfully relevant to my country and is therefore determinative for the prospects of real peace. Refugees are not a problem for Bosnia and Herzegovina; rather, they represent a potential human asset that is still wasted, as well as individual lives seeking their place and an opportunity for fulfilment. Our approach must be one of collective salvage and individual redemption without regard to identity or religious and ethnic background.

Thanks to the efforts of representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Representative, in particular Ambassador Michael Steiner, an organization has been established in Bosnia and Herzegovina representing refugees and displaced persons of all ethnic backgrounds who share one predominant interest: to return to their homes and to live in a society committed to diversity and tolerance. This organization is called the Confederation for Return.

The efforts of these Bosnian refugees — Serbs, Croats, others, as well as Bosniacs — at self-empowerment deserves our support and represents a promising avenue to address the problem on a pragmatic basis. It also reinforces the perspective that refugees are not polarized by ethnicity, but as a whole are the victims of intolerance and artificial ethnic or other differentiation, too often as a consequence of what starts as political manipulation using religion or ethnicity as a weapon.

The refugee problems of our planet are but symptoms of a greater wrong. They are either the indirect or, increasingly, the direct consequence of some other underlying problem. The most effective manner to address or, at least, to minimize a refugee problem is to address the underlying cause. If it is a natural calamity or the struggle for survival or food, the response to the problem is obvious, lest the ulcer continue to bleed more refugees. But we cannot allow a response to a humanitarian crisis to be used as a fig leaf for an impotent reaction to the political or military causes of that humanitarian crisis.

Horrifically, today's victims — refugees — are as likely to be victimized by bullets, shrapnel, systematic rape and siege, as by hunger and disease. Interdiction, therefore, must respond to the direct as well as the incidental threat.

Unfortunately, it appears increasingly that refugees are not just incidental, but the very intended consequence. Frighteningly, they may be the lucky ones who were fortunate to escape "ethnic cleansing", execution and genocide. Under such circumstances, the necessary response of the international community is not only more obvious and urgent, but also mandatory — I emphasize, mandatory. It has often confounded me how often we, the United Nations, the international community, the Security Council, were informed by the Secretariat and numerous independent observers that in Bosnia and Herzegovina "ethnic cleansing" and displacement were not the coincidental consequence but the very intended result; and nonetheless, the often prescribed remedy promoted and tragically prevailing was one that ignored this very analysis of the cause. Genocide, the targeting of civilians — whatever we may call it — must be confronted without ambiguity. Impartiality dictates that we not be neutral in the face of "ethnic cleansing" and the targeting of civilians.

Even when the cause was recognized — that is, the deliberate targeting of a population — and "safe areas" were established in Bosnia and Herzegovina pursuant to Security Council resolutions, the means and will to make such "safe areas" truly safe were found to be tragically lacking, as in the case of Srebrenica.

Srebrenica is not the shame of those United Nations personnel and troops of the United Nations Protection Force who strove, very often heroically, to save innocent lives one by one. Rather, it is the failure of the political authorities that heralded the creation of the safe havens and then abandoned their own commitment. That is history. That is for this Council and, I am certain, many political historians and analysts to review, and history will be very difficult to rewrite in this one instance. What actually concerns me today is that the spirit of Srebrenica is not just history, but in fact is also today's dominant factor obstructing return.

The refugees of Srebrenica — those who survived — and most others want to return. Those who murdered their relatives and friends will allow them to return only at the cost of their lives. Those who committed "ethnic cleansing", genocide, are still in power, behind the scenes or otherwise, and continue to mock you, to mock international humanitarian law, as well as the Dayton/Paris Accords. They stand behind and above certain newly elected officials and, like Pinocchio's master, misappropriate this legitimacy to undermine the very basic terms of the Accords. They refuse to allow refugees back and continue to destroy newly rebuilt homes financed by your money, erected with UNHCR planning and supervision. Confidently, they now openly, explicitly, refute the right of refugees to return as well as basic human rights and freedom of movement.

If representatives do not believe me, they need only read the reports of Mrs. Ogata, the UNHCR and numerous non-governmental organizations, such as the International Crisis Group. Incomprehensibly, these very deniers of the Dayton/Paris Accords nonetheless continue to be accorded the legitimacy of that which they openly refute.

It would be now our most sincere hope that the spirit of the Srebrenica failure not infuse this most noble body. Economic assistance and legitimacy can be offered only on the condition of sincere commitment to the peace process and the Accords. Those who openly deny the right of refugees to return and openly reject the authority of the International Criminal Tribunal for the former

Yugoslavia and this Council must not continue to be shielded by non-responsiveness. They really do mean what they publicly state and no expedient effort at reinterpretation will avert the failure of the Dayton/Paris Accords and disaster.

The return and rights of refugees, the arrest of war criminals, the success of peace and the response of this Council, this United Nations and its designees and your Governments are intractably intertwined and therefore determinative. What refugee even dares return to a home, a country, where those who victimized them are still beyond the law, your law, international law, our law, and then are even indirectly or directly accorded legitimacy?

We speak to the Council on the issue of refugees in the context of our own experience because it is critical to us, and also because it is a most relevant and developing lesson for all on this matter. Failure adequately to address the issue in Bosnia will have immediate and strategic consequences for all, in particular for our efforts at the United Nations to address refugee issues. Unfortunately, our lesson is as much in how not to as in how to. In this context, we must emphasize that ethnic, religious division may have been the solution to political dilemmas of the past, including the first part of this century; however, reintegration is the only possible solution for the new global society faced with a similar problem today.

Lest we forget also to articulate the positive in our experience, let me take this opportunity to enumerate some things that have been done right or were at least attempted correctly in our case.

First, we have worked hard, at times with differences of opinion but nonetheless together, with UNHCR and other relevant agencies to construct a programme of return.

Secondly, as we have mentioned, UNHCR and elements of the Office of the High Representative have worked with all Bosnian refugees under the title of the Coalition for Return as a means of self-empowerment and overcoming artificial ethnic barriers.

Thirdly, although significantly tardy and not sufficient at times, due to many factors including obstructionism, many international factors, including several countries that deserve special thanks, have committed substantial resources for the rebuilding of Bosnia in general and for specifically targeted projects for refugees to return. We should also mention here the efforts of multilateral institutions, such as the World Bank and the United Nations Development Programme (UNDP).

Fourthly, we would like to emphasize the contribution of host countries which first received so many of our refugees and offered immediate means for survival. We will continue to work with them to maximize the mutually shared objective of return. We would also like to suggest, in particular to the European Union countries, that the process of the integration of Bosnia and Herzegovina, its recognition as a fully European partner, and the dismantling of travel and trade barriers will encourage not only movement and commerce, but return as well. Most refugees fear leaving the security of host countries for the uncertainty of current Bosnia and Herzegovina if they believe that there is a huge, insurmountable wall left behind that will divide them from friends, family, new lives and safety. The entry of Bosnia and Herzegovina into European institutions translates into the return of Bosnians to their homes.

Fifthly, we are appreciative of the efforts of the multinational stabilization force (SFOR) and the International Police Task Force (IPTF), as their presence is a necessary ingredient of the formula for success. Also, we encourage them to redouble their efforts, and we ask SFOR, the IPTF and other relevant actors to ensure that all aspects of security, including security of return and the arrest of war criminals, are addressed. Otherwise, all that has been done up to now will be for naught.

Finally, we would like once again to express our appreciation for the efforts of the Judges, the Prosecutor and other functionaries of the Tribunal in The Hague. Although the results thus far are, unfortunately, meagre, the effort is not; it is appreciated and, moreover, it is necessary to ensure the ability of return. Most critically, the Tribunal holds out the real opportunity not only for the removal of war criminals who block return, but also for the advancement of the partnership between justice and reconciliation as the ideological and pragmatic partners in the struggle for a real and lasting peace.

The President: The next speaker is the representative of Iraq. I invite him to take a seat at the Council table and to make his statement.

Mr. Hamdoon (Iraq) (*interpretation from Arabic*): It gives us great pleasure, Sir, to see you presiding over this open Security Council debate on protection for humanitarian assistance to refugees and others in conflict situations. We should also like to extend our thanks and appreciation to the United Nations humanitarian agencies for their significant efforts and great sacrifices, made with a view to alleviating the suffering of millions of refugees and displaced persons.

The problem of refugees and displaced persons, which has been exacerbated in recent years, is an open wound on the conscience of humankind. The international community, with all its institutions and organizations, must undertake its role in this regard. The United Nations certainly also bears a great responsibility in this regard, not only for delivering humanitarian assistance to refugees and guaranteeing the security and safety of those providing it, but also for seeking permanent solutions to this humanitarian tragedy.

In order to deal with the problem of refugees and displaced persons thoroughly and appropriately, its social, economic and political reasons must be explored. An attempt must be made to solve the problem through a just and comprehensive approach. The people of Afghanistan would not have been displaced had it not been for certain geopolitical conditions that transformed it into an arena for conflict among major Powers. When the conflict was over, Afghanistan was left to lick its wounds without any serious assistance in rebuilding its economic and civilian infrastructures.

The situation of my own country, Iraq, provides another example. Throughout its history, Iraq has been a haven for those from neighbouring countries seeking security, peace and a dignified life. However, the unjust war that was waged against it under the cover of the Security Council destroyed the infrastructures of the economy and ways of life in Iraq. Moreover, the comprehensive sanctions that have been in effect for seven years have led to the migration of numerous Iraqis. At the same time, a major Power — a permanent member of the Security Council — has for seven years been contributing to destabilizing Iraq by inciting revolt against the central authority, arming outlaw forces and imposing no-fly zones, all of which has resulted in instability and an exacerbation of the refugee problem. Were that State to halt its interference in Iraq's affairs, and were sanctions to be lifted from Iraq tomorrow — for which there is ample legal justification — the problem of Iraqi refugees would disappear.

The Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena, affirmed the need to differentiate between peacekeeping operations and humanitarian assistance, just as it made clear its reservations with regard to the trend to convert peacekeeping operations into military operations. In this regard, we would like to emphasize the fact that the emergence of certain situations in which domestic conflicts influence the flow of humanitarian assistance does not justify military action by the Security Council; neither does it justify granting the Security Council additional powers to intervene in the work of United Nations humanitarian agencies and organizations or to bypass the role of the General Assembly and the Economic and Social Council.

In this regard, we must emphasize the effect of economic sanctions in exacerbating the problem of refugees and displaced persons. When imposing such sanctions, it is necessary to adopt the principles arrived at by the General Assembly's sub-working group on sanctions, such as the importance of the conformity of sanctions with the Charter, the clarity of their aims, the conditions for their lifting, and the requirement that they not cause massive humanitarian suffering. This must be accompanied by a clear definition of the steps that are required of the targeted country for the sanctions to be lifted, and by the exclusion of all medical, food, educational and agricultural items from such sanctions.

The Security Council is facing increasing accusations of selectivity and double standards. The most recent manifestation of such selectivity was its total disregard of the Turkish invasion of northern Iraq. Given that the working group on Security Council reform has not yet completed its work, to consider expanding the powers of the Council to include interfering in the work of United Nations humanitarian organs seems unduly and excessively optimistic. The optimal contribution of the Security Council in this regard would be to play its role under the Charter: to practise preventive diplomacy, to settle disputes peacefully, and to stress the mechanisms provided for under Chapter VI as a means to create a stable and secure international environment.

Experience has shown that resort to coercive measures in dealing with humanitarian crises and overlapping between peacekeeping and humanitarian assistance operations serves only to exacerbate problems, rather than solving them. The experience of Somalia is a case in point.

The President: The next speaker is the representative of Brazil. I invite him to take a seat at the Council table and to make his statement.

Mr. Valle (Brazil): I wish to start by expressing my delegation's satisfaction at seeing you, Ambassador Park, presiding over the Council's deliberations for the month of May. Your professional competence and personal qualities will ensure that the Council's work is carried out with wisdom and efficiency. Let me add that we were very impressed by the Portuguese presidency during the past month, and I would like to take this opportunity to congratulate Ambassador Monteiro and his team for their excellent performance.

Today's meeting has been convened to examine an important and controversial issue which merits detained reflection. No doubt, we all stand to benefit from an exchange of views on the question of the Council's role with respect to humanitarian problems in situations of conflict. My country has shown a keen interest on this issue and presented some observations to the General Assembly at its fifty-first session, in the context of the item on the report of the Security Council, last 26 November. I believe that two paragraphs of that statement deserve to be quoted in their entirety, as they continue to reflect our concerns on the matter. On that occasion, the Permanent Representative of Brazil stated,

> "The proliferation of humanitarian emergencies calls for the definition of a collective responsibility in the face of phenomena such as mass starvation, disease and brutality. Not all such emergencies, however, include a security component. Member States should try to evolve a common understanding as to whether the necessary international response should be left to the General Assembly or the specialized agencies, or whether the Security Council needs to be activated in a particular emergency because of security aspects." *(Official Records of the General Assembly, Fifty-first Session, Plenary Meetings, 66th meeting, p. 11)*

In the same statement, the Permanent Representative of Brazil went on to add that

> "appropriate criteria may have to be developed sooner rather than later to determine under what conditions a situation should be deemed to threaten international security or is likely to endanger international peace, and when a situation can be dealt with by other organs — for example, the General Assembly. If international security appears to be endangered but the situation is not clear-cut, objective parameters may have to be established to determine whether coercive measures" — that is, chapter VII measures — "are admissible or not." (*ibid.*)

We concluded that even when coercion is contemplated and there would be no formal need to obtain the consent of the parties, their cooperation should still be sought as a matter of principle, as little success can be achieved without it.

Having recapitulated the general thrust of our thinking on this crucial problem at this stage, I would like to make a few additional comments. It appears now, perhaps with greater clarity than in the immediate aftermath of the cold war, that the linkage between humanitarian crises and international security is not one that should be accepted as a given. Since the adoption of Security Council resolution 688 (1991) regarding the situation of the Kurd minority in northern Iraq, there has been a tendency to place high expectations on the Security Council's capacity to alleviate the suffering of individuals caught in situations of extreme instability.

In revisiting the interesting debate which took place in the Council when that resolution was adopted in April of 1991, some of the points made are worth recalling. At one end of the spectrum, the point was made that the mandate of the Security Council does not include the questions of a humanitarian nature to which Chapter IX of the Charter is devoted. It was recalled, in particular, that Article 60 established that

> "Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly".

On the other hand, it was also held that the Council should not remain indifferent to human suffering, even though a particular crisis might be seen as essentially lying within the limits of a country's internal affairs.

An assessment of the situation which seemed to strike a balance was made by Ambassador Ayala Lasso of Ecuador, who underlined that the human pressures that displaced communities of over 1 million people were exerting on the borders of two of Iraq's neighbours justified action being contemplated by the Council in response to what he perceived as "a threat to international peace and security." (*S/PV.2982, p. 36*)

After the adoption of resolution 688 (1991), the idea of humanitarian intervention was greeted with consensus by Council members as the appropriate option for dealing with the crisis in Somalia. But that consensus soon began to show its fragility, as the use of force by a peacekeeping operation stretched the Organization's credibility to the limit. The tragic episodes of 1993, in which several peacekeepers lost their lives, left the Council with little choice but to organize a prompt retreat. In the absence of a credible diplomatic process for conciliation, the Council's emphasis on providing security for humanitarian relief may have helped to avoid a humanitarian catastrophe of a larger scale in Somalia, but it did not bring about a lasting solution to the country's institutional breakdown or its economic underdevelopment; it did not restore a satisfactory semblance of peace and security to the country.

Similarly, the Council's treatment of the humanitarian situation in the former Yugoslavia cannot be seen as entirely positive. There should be full awareness of the risks inherent in the approach which tends to place humanitarian relief under the aegis of an organ devised for the maintenance of international peace and security. It should be stressed that those risks will be greater when insufficient regard is paid to the traditional tools of diplomacy, which are essentially those outlined in Chapter VI of the Charter, and when the United Nations is seen to take sides by resorting to Chapter VII.

When tragedy struck Rwanda, no one challenged the Council's responsibility to act. And yet by the time a humanitarian intervention was put together in that context, there were growing doubts in the Council as to the appropriateness of the action being contemplated.

Today there is perhaps a need to look anew, with the benefit of hindsight and experience, at the advantages and disadvantages of involving the Council in humanitarian affairs and, more importantly, at the conditions under which Chapter VII can be considered an acceptable tool for guaranteeing a secure environment for humanitarian assistance. It is interesting to note that while some authors portray the differences of opinion in this domain as falling under a North-South ideological polarity, in truth there are divergences within the North, as well as within the South.

Among developing countries there is often a feeling that chronic conditions of underdevelopment cannot respond to periodic food drops alone, nor can they be eliminated by the gestures of well-meaning agents from afar, as pointed out in a statement by the representative of Ghana before the General Assembly at its forty-sixth session, on behalf of the Group of 77. He declared on that occasion,

> "The most lasting humanitarian assistance mechanism we can forge is when we collectively develop the will to eradicate global poverty in a world that can, if it has that will, clothe feed and cure all our inhabitants." *(A/46/PV.41, p. 37)*

Other authors have stated that the growth in humanitarian relief can be interpreted as a form of disengagement from the South by the industrialized countries. Yet others have called attention to the unfortunate consequences of unintegrated military and civil humanitarian functions, as well as to the danger of honourable humanitarian impulses being hijacked for self-interested or political agendas.

In a recent article published in the *International Herald Tribune*, the European Commissioner for Humanitarian Affairs, Emma Bonino, defended the position that humanitarian aid is about people, not governments. In her own words,

> "Humanitarian aid should never be devised as part of any country's foreign policy".

How do we reconcile her attitude with the call by the High Commissioner for Refugees for Governments to become more active, including through the Security Council, so as to mitigate the plight of refugees and other innocent civilians in Africa, the Balkans or the Middle East?

The complexity of the subject does not lend itself to immediate conclusions. But, at least for our part, we continue to believe that resort to Chapter VII should be considered with utmost caution, and that humanitarian relief should — to the extent possible — not be associated with coercion. The extraordinary contribution made by the Red Cross, both in the development and codification of international humanitarian law and in the field, illustrates the scope of what can be accomplished within a framework which has consistently abided by impartiality and the consent of the parties.

It is true that the present international environment has presented the Security Council with difficult challenges and that, at times, it has had to improvise in order not to be perceived as incapable of reacting. But if the Council is to be expected to play a more active role in guaranteeing safe conditions for humanitarian assistance, our preference is for such endeavours to be attempted in parallel with multilaterally defined diplomatic agendas, and, if possible, within the realm of the possibilities offered by Chapter VI — that of the pacific settlement of disputes.

The President: The next speaker is the representative of Argentina. I invite him to take a seat at the Council table and to make his statement.

Mr. Petrella (Argentina) (*interpretation from Spanish*): Allow me at the outset, Sir, to note the presence of Mr. Yoo Chong Ha, the Minister for Foreign Affairs of your country, which has given this important meeting the appropriate historic formality.

Secondly, this convening of an open debate on protection for humanitarian assistance to refugees and others in conflict situations provides us with an excellent opportunity to contribute to the work of this body. For this reason, we thank you, Sir, for your initiative and for the keen sensitivity that you and your predecessor, Ambassador António Monteiro of Portugal, have shown in this regard. I believe that these deliberations will help to bring about a better understanding of the irreplaceable role of the United Nations in these changing times.

I must also express my appreciation to Mr. Yasushi Akashi, Mr. Soren Jessen-Petersen, Mr. Stephen Lewis and Mr. Peter Küng, whose statements reflect not only the urgency of this question but also the need to devise new instruments that will enhance the effectiveness of the Council's action.

Most of the items on the Security Council's agenda today have a very definite humanitarian component. That component derives from the many kinds of abuses perpetrated against civilian populations and from the existence of refugees and displaced persons. We deem significant the Security Council's stance on supporting the agencies and organizations devoted to responding to the plight of refugees and displaced persons by the means outlined in Chapter VII of the Charter. However, this is a complex matter that deserves further study.

There is no question that speedy action must be taken in such cases, but we should ask ourselves to what extent the Security Council should become involved. In the course of this debate, very relevant views have been expressed that can be useful in outlining a body of thought that may lead to a forward-looking answer based on past experience.

However, to date public opinion has not come to believe that the concrete measures taken have achieved the goal of diminishing the scope of these kinds of crises. The experience of the United Nations High Commissioner for Refugees has allowed her to formulate proposals conducive to concrete results. Accordingly, the important suggestions made during Mrs. Sadako Ogata's last visit to the Security Council deserve the most serious consideration. Those proposals cannot be ignored, and it would be advisable for public opinion to have access to them.

The numbers involved in this crisis speak for themselves. In recent years, the increase in refugees and displaced persons has been dramatic: their numbers have increased fourfold.

The Office of the High Commissioner has estimated that today 21 million people are within its purview. The purpose of the Council and of the United Nations in general should be geared to improving its capacity to anticipate, provide against and prevent this type of humanitarian disaster. That should be reconciled with respect for international law and particularly for the limits imposed by the domestic jurisdiction of States, when appropriate. There are many elements that, in dealing with this type of crisis through collective action, should not be subordinated to any interests other than preventing harm and tragedy from befalling the civilian population. As we all know, this is a delicate matter that deserves the most careful consideration and sensitivity, because not all of us think alike. This matter is directly related to the evolution of the international system, which is today more integrated and interdependent, and to the changing nature of the issues that involve the Security Council.

Moreover, within the limits of the Charter the Secretary-General's capacity for preventive action should be enhanced as one central aspect of his mandate. Similarly, it should be clear that humanitarian action should be accompanied by political and diplomatic actions, and cannot be carried out without them. Such political and diplomatic endeavours are the very essence of the United Nations and are framed by the need to maintain international peace and security. The words of Mr. Akashi this morning were eloquent.

Several delegations have spoken of the need to avoid impunity. Here again we are dealing with a delicate and complex matter. Fortunately, however, we can say that tribunals to try persons responsible for atrocities have already been created. The more effective such tribunals are, the more they will deter the kind of abuses that concern us. The Council could also seek a way to establish machinery that will make it possible to ascribe responsibility.

Argentina firmly supports the policy of restructuring the organs of the United Nations and of rationalizing financial and human resources that is being put into practice. On the basis of our regional and global experience on matters of humanitarian assistance we concur with delegations that have spoken of the need to obtain a clear mandate before a humanitarian action is undertaken. But that cannot justify inaction when the facts and public opinion demand immediate action.

Coordination within the United Nations and appropriate follow-up to humanitarian action are also essential. A more prominent and visible role should also be devised for public information on all these matters. That will make it easier for countries to make contributions and more difficult for perpetrators of abuses to cling to their attitudes. No person or political group is immune from public condemnation. The principles of the Charter of the United Nations should be disseminated today more than ever, especially in areas of conflict.

Finally, we hope that this debate will enable the Council to adopt concrete measures that incorporate the suggestions that have been made.

I wish to conclude with a tribute to all those who have lost their lives or suffered injury in the performance of humanitarian tasks under the auspices of the United Nations.

The President: The next speaker is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Shah (India): Let me at the very outset convey my appreciation to you, Sir, for scheduling this open debate of the Security Council on the question of protection for humanitarian assistance to refugees and others in conflict situations. I am also deeply appreciative of the fact that you have chosen to send a discussion paper for this meeting to the President of the General Assembly, who in turn has shared it with the entire membership of the United Nations. It is gratifying to note this effort at collaboration between the General Assembly and the Security Council on an issue that is topical and provocative and has serious ramifications for the structure and nature of the United Nations.

It is clear to all interested observers that the motivation behind this debate — the questions that it raises and the answers that are sought — is a direct outcome of recent tragic events in and around the Great Lakes region of Africa. There have been other instances, but none that has, in recent times, manifested itself so clearly and with such little and inadequate response from the United Nations.

India attaches the highest importance to the provision of humanitarian assistance to refugees. As a country that has and continues to provide succour and shelter to a very large number of refugees without outside assistance, we are aware of the complexities and difficulties that are involved in the provision of humanitarian assistance to refugees and the burden that a receiving country has to bear. Merely providing assistance to refugees is not adequate. What is necessary is to investigate the reasons that have forced men, women and children to become refugees and to find ways to ensure that this does not happen.

Today's discussion raises some pertinent questions, the most critical of which seems to be the way the issue is approached: what can the Council do politically to support international humanitarian operations in conflict situations? My delegation was most struck by the emphasis on the word "politically". While political action and political will are undoubtedly of importance in resolving most situations involving humanitarian crises, experience in dealing with crisis situations has demonstrated that they are not enough. There are clearly a number of fundamental causes leading to refugee crises which must be addressed in order to prevent such situations from arising.

Nevertheless, we understand the concern of the Office of the United Nations High Commissioner for Refugees (UNHCR) and others to have their courageous humanitarian workers protected, by force if necessary. It is not unnatural that they should turn to the Security Council for solutions.

The United Nations has some experience in providing protection for humanitarian assistance to refugees and others in conflict situations. The experience so far has demonstrated that neither resort to multinational forces nor robust United Nations peacekeeping forces with Chapter VII mandates have been sufficient. Their utility has been found to be limited. Hence, the need for this debate. The relationship between peacekeeping operations and protection of humanitarian assistance is a complex one. There are, no doubt, commonalities. But, as clearly enunciated by the Foreign Ministers of the Non-Aligned Movement at their recent meeting in Delhi, there is a need to differentiate between peacekeeping operations and humanitarian assistance. This has also been underscored by many non-governmental organizations that are providing humanitarian assistance on the ground. Situations in which peacekeeping operations can assist humanitarian-assistance operations can certainly occur where the peacekeeping operation has been established with the consent of the parties concerned, where there is a peace to keep and/or a peace agreement between parties to a conflict is in place. Assignment of United Nations peacekeeping troops to shoulder responsibilities relating to protection for humanitarian assistance would, in situations that do not meet these conditions, fundamentally change the scope of peacekeeping.

The question has been raised about what else the Council can do to help assist in protecting refugees, by, for instance, applying so-called political pressure through the imposition of targeted sanctions. This in turn gives rise to a host of further questions. For example, who should apply the "political pressure" — the Security Council or its individual members? What if they are themselves involved in the problem that has given rise to the refugee issue? The suggestion that targeted sanctions could be a way out is open to question. For example, at whom should sanctions be targeted — those whose actions have given rise to the most recent flow of refugees or those whose actions were the cause of the conflict in the first instance? Should the sanctions be targeted at those who support them today, or those who supported them in the past and have now found it convenient to drop that support? Much work has already been done on this subject by the General Assembly's Informal Open-ended Working Group on an Agenda for Peace, and we have a consensus document ready on this difficult subject. It would be prudent to adhere to the agreements already arrived at in that document.

My presentation so far might appear to some to suggest that the issues involved are so complex that the international community is helpless and cannot effectively meet the challenge of protection for humanitarian assistance to refugees and others in all conflict situations. That is neither our intention nor our objective. My delegation wishes to emphasize that the focus of United Nations efforts should shift to the prevention of crises which create humanitarian situations and attendant problems, rather than remain on finding military solutions or enforcement measures. The concerned agencies of the United Nations and others have provided and continue to provide much-needed humanitarian assistance. They do a fine job; but as long as we do not address the fundamental issues, they will be placed in increasingly difficult situations.

For the United Nations to address effectively the problem of humanitarian assistance to refugees and others in conflict situations, it must address itself to the root causes that give rise to refugee flows and conflict situations in the first place. Most, if not all, conflicts, have their origin in poverty, lack of economic and social development and the absence of tolerance. Unless these issues are addressed sincerely and with the political commitment of the United Nations and its major players, we will regrettably continue to face conflicts and humanitarian crises.

Unfortunately, the recent history of the United Nations has been to by-pass the fight against poverty, except through platitudes and the issuance of voluminous declarations. The focus of United Nations activities and priorities must be on addressing the development needs of the majority of its members and on alleviating poverty. If the United Nations were to provide more resources for development at the right time, it would save the large expenditure it incurs on fire-fighting operations after the event. Its preventive diplomacy must find innovative ways of promoting development and social cohesion and not get stymied in looking for political-military solutions. The United Nations must promote pluralism and tolerance. Finally, all necessary assistance should be provided to those refugee-receiving States which bear this great burden.

I would wish to convey my delegation's deep appreciation and admiration for the dedication and commitment with which the many relief and refugee organizations and personnel, both United Nations and non-United Nations, are functioning under the most difficult and trying conditions to bring relief to those in need. They often work under daily threat to their own personal safety and security.

There can be no excuse or justification whatsoever for any threat or attack or injury or death of a humanitarian relief worker. Those who commit such outrages must be resisted and punished. But, at the same time, the United Nations has to be careful not to take any step that may in any way affect the perception of impartiality or neutrality of relief workers and their agencies. The United Nations will need to tread a careful path to ensure that the safety and security of relief workers is not undermined by precipitate military involvement.

The emphasis on prevention which we are advocating also requires that the Security Council, the General Assembly and international financial institutions must have close coordination and must work together in tackling potential humanitarian crisis situations before they occur. The inability of the Security Council to act in the face of massive humanitarian crises makes it imperative that the approach adopted is broader and addresses the economic and social imperatives.

The President: The next speaker is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Kayinamura (Rwanda): Allow me, in my turn, to thank you most sincerely, Mr. President, for your initiative on this debate. The presence of the Foreign Minister of the Republic of Korea at this debate was a clear manifestation of your Government' commitment to the work of the Security Council. An open debate on the question of refugees, displaced persons, returnees and others in similar situations requiring international humanitarian assistance is important for the international community. Today there is no country that can sit comfortably in the hope that it will not face or be affected by similar situations.

The importance of this debate should therefore be seen as a proactive attempt to appreciate fully the complexity and dimensions of emergencies in their short-term and long-term implications for international peace and stability. Many times, the demands of responding to unfolding emergencies and the frustrations of unmet logistical and security needs tend to override the considerations of other equally-important instruments of international humanitarian law, including those relating to the crime of genocide.

The exodus of Rwandan refugees to eastern Zaire in 1994 was not an ordinary flight of people. It was organized under the leadership of those who were responsible for genocide in Rwanda.

Some of the conventions to which most countries are signatories include the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, which states that

> "Persons charged with genocide or any other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction". *(resolution 260 A (III), annex, article VI)*

In the case of Rwanda, after the genocide had been committed, we had a situation whereby the architects of genocide, together with a fifty-thousand-strong army and 40,000 members of militias, were escorted with their military hardware to refugee camps in the now-called Democratic Republic of Congo. Within a short time, their camps were identified by several independent non-governmental organizations, as well as by the International Commission of Inquiry set up by the United Nations Security Council, as breeding grounds for military activities in the camps.

For two and a half years the international community and humanitarian agencies continued to spend billions of dollars on bona fide refugees, amongst whom there were well-known killers. On many occasions humanitarian aid staff were threatened and harassed in the camps. The reason that was given for not disarming the perpetrators was that humanitarian agencies could not separate bona fide refugees from soldiers. Meanwhile, reports continued to emerge and to reach Governments and humanitarian agencies. Humanitarian food was being sold and was also subjected to a "war tax" by the perpetrators of genocide, who were preparing a war in order to conclude the extermination of the survivors of genocide in Rwanda. The Commission of Inquiry, which was established by the Security Council, had concluded that they were being rearmed and supported.

Timely action to disarm these soldiers would have averted the present humanitarian crisis of Rwandan refugees in the former eastern Zaire. The multinational force that was approved last year by the Security Council in its resolution 1080 (1996) would have been relevant if it had been mandated to disarm these criminals. It was encouraging to note that the Council called it off soon after realizing its irrelevance.

The question has been asked: How can the international community hold accountable those who violate international humanitarian law when we do not take timely measures to use international instruments to counter the violation of that law? We waited for two and a half years to see whether humanitarian agencies or those who hold the custody of international humanitarian law would invoke the provisions of article 5 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. That Convention states:

> "Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State."

The representative of Pakistan referred to other very relevant aspects of this Convention. This goes to underscore the need for adherence to its provisions in humanitarian and other related matters.

As the war intensified in and around the then eastern Zaire, former Rwandan soldiers and the militia continued to enjoy refugee status, notwithstanding the fact that they are the ones who are responsible for having wiped out over 1 million Rwandans between April and July 1994. These were later joined by yet another group of criminal mercenaries. Serb mercenaries and others were recruited from well-known countries in Western Europe. The atrocities they committed in eastern Zaire have not yet been condemned. They were funded and underwritten. There is no mystery about it.

What is surprising, however, is that, to date, no alarm has been raised, nor has there been a call for an international commission of inquiry into the recruitment and financing of criminals who are wanted by the International Criminal Tribunal in order to answer for war crimes. The commission of inquiry that we are calling for as to who recruited, financed or otherwise helped in their recruitment and transportation is necessary in order to put to an end the question of impunity that most have referred to.

As Rwandan genocidal soldiers and militia continue to move to the west of the Democratic Republic of Congo and farther afield, inadvertent appeals are being made again for their humanitarian assistance. I hope that such assistance will not come at the expense of helping genuine refugees. There are more deserving refugees who are being repatriated to Rwanda to join the millions who returned in 1996 and who require support.

The question which has been asked is relevant: How can the international community hold accountable those who violate international humanitarian law when we do not take measures to use international instruments to counter further violations of international humanitarian law? I repeat this question for the sake of emphasis.

Perhaps Rwanda's experience would be useful in terms of answering the other important question that this body has been addressing: What could the Security Council do politically to support international humanitarian operations in conflict situations? It is not possible to evolve standard responses to each humanitarian crisis, as their root causes and nature vary from situation to situation. However, there are certain basic questions to be asked in each case before launching a humanitarian operation.

Some such aspects as the refugee crisis in relation to the peace and stability of neighbouring countries and the impact it has on international peace and stability must be addressed. How does the refugee crisis impact on the socio-economic and political situation of the receiving countries, especially the poorer ones? How does a refugee crisis relate to the internal political dynamics of their countries of origin or the geopolitical interests of third countries? How do you ensure the neutrality of humanitarian intervention? The staff of humanitarian and non-governmental organization communities must be and should be seen to be impartial, for a failure to be so would jeopardize their own security. Another question: How can the international community ensure that the drive for funding humanitarian assistance matches its actual delivery?

The need to ensure the neutrality of external involvement in the provision of humanitarian assistance and/or military interventions is a critical matter which the Security Council must always address, as failure to do so could have devastating effects. At times, it could even contribute to the compounding of the humanitarian crisis instead of resolving it.

Another aspect which must be addressed before or during the delivery of a humanitarian operation relates to its duration. The longer the operation, the more difficult it becomes to resolve. It is always easy to shovel snow before it hardens.

The Rwanda case is a clear illustration. The history of Rwandan refugees is one of the oldest in Africa. The first Rwandan refugees fled in 1959 following an externally manipulated process accompanied by the connivance of political opportunists. At the time, thousands were killed and millions condemned to exile for 35 years, between 1959 and 1994.

During all this period, the then Rwanda Government sustained a campaign to keep its refugees outside. The international community did not pay attention to the plight of close to 900,000 refugees who languished in refugee camps and in many rural areas in the neighbouring countries. It was not until 1990, after 34 years, that the refugees reorganized themselves and mobilized internal political forces in Rwanda in order to fight their way back to Rwanda. Some called it an invasion when it was in fact the only alternative left to end their 30 years of statelessness and humiliation in exile.

What lessons can we draw from this experience? As for us, we believe and continue to hold the view that it was not necessary for the refugees to wait more than 30 years to return to their country. Even more recently, it would have been helpful if the international community had acted more decisively in favour of the quick and timely repatriation of Rwandan refugees from eastern Zaire.

Since the Government of National Unity of Rwanda came to power in July 1994, it has consistently called on all Rwandan refugees to return. International appeals have been made since 1994 for assistance in the repatriation exercise. By September 1996, and before the massive return from October to December 1996, 1.3 million refugees from Zaire, Tanzania and Burundi, as well as another 800,000 old-case refugees who had fled between 1959 and 1973, had already returned to the country and were being resettled. Given this massive return of 2.3 million refugees to Rwanda, it is important to redirect humanitarian resources from relief to the resettlement, rehabilitation and reconstruction of Rwanda.

Finally, let me thank you again, Mr. President, for bringing this matter forward for debate. Member States would be most grateful if similar open debates were held in the future before launching humanitarian operations. We would also appreciate an evaluation of the humanitarian operations in Rwanda and in other places in order to learn important lessons for the future.

Before concluding, I would like to pay special tribute to Governments and humanitarian organizations and their staff for their positive involvement in humanitarian assistance.

The President: The next speaker is the representative of Solomon Islands. I invite him to take a seat at the Council table and to make his statement.

Mr. Horoi (Solomon Islands): This is the first time that a representative of Solomon Islands has sat at this table. I thank you, Mr. President, the other members of the Security Council and the President of the General Assembly for making the participation of Solomon Islands possible.

The idea for the United Nations was born in the Second World War, and out of that conflict came the impetus for the independence of my country. The people of Solomon Islands experienced at first hand the deprivation and destruction of modern warfare. We were displaced in our beautiful islands, and we witnessed the ravaging of their delicate environments by acts of war. Thus, I welcome this opportunity to contribute, however briefly, to this debate on protection for humanitarian assistance to refugees and others in conflict situations, since this is now emerging as a problem in the south-west Pacific.

Before there was a United Nations Organization, there was the United Nations Relief and Rehabilitation Administration. Established in 1943, it provided assistance to the civilian population of liberated areas in Europe, Africa and Asia. With the end of the war, non-governmental agencies and the newly founded United Nations took on the formidable problem of meeting the needs of millions of refugees and displaced. Those providing the humanitarian assistance did not generally face the prospect of being attacked or having their supplies destroyed. Soon, a growing number of internal armed conflicts in widely separated places significantly changed the nature of the problem, as attacks against civilians and those bringing humanitarian assistance became less unusual.

In response, in 1977 the international community formulated the additional Protocols to the Geneva Convention of 1949. The problem persisted and became worse. In 1983 the United Nations Children's Fund (UNICEF) introduced the idea of children as zones of peace. UNICEF sought, and achieved, days of tranquillity when assistance could be provided during brief suspensions of armed conflict and worked to establish corridors of peace through which aid for the civilian population could be safely moved by the United Nations and non-governmental organizations.

Protecting humanitarian assistance in situations of conflict is indeed difficult. In view of the fact that the United Nations Department of Humanitarian Affairs, the United Nations High Commissioner for Refugees, UNICEF, the International Committee of the Red Cross and many non-governmental organizations know much about dealing with these emergencies, as even a quick review of their reports and studies shows, I, as representative of Solomon Islands, can only ask some fundamental questions.

This list is not exhaustive. First, do we not need an international convention specifically for the protection of humanitarian aid personnel and assistance *matériel*? Secondly, do we not need an international commitment to the vigorous pursuit and prosecution of those who violate the proposed convention as well as the Geneva Protocols? Thirdly, do we not need to include, among the crimes under the jurisdiction of the proposed international court of criminal justice, planning and carrying out the harassment of those engaged in humanitarian aid or attacks against them? Finally, do we not need to move beyond this one-day debate, in this beautiful Chamber, to the planning of a special session of the General Assembly designed to generate the necessary political will that we have all been engaged in discussing today, to do what is required?

I conclude with those few questions in mind.

The President: The next speaker is the representative of Albania. I invite him to take a seat at the Council table and to make his statement.

Mr. Kulla (Albania): The Albanian delegation joins other delegations in expressing its gratitude to you, Mr. President, for initiating this open debate on a very important subject. We also felt honoured by the presence of His Excellency the Foreign Minister of the Republic of Korea, which demonstrates the great attention that the Korean delegation attaches to matters during its presidency, under your competent guidance.

Due to the current well-known situation, my country has been on the agenda of the Security Council for the last two months. Security Council resolution 1101 (1997), which authorized the deployment of the multinational force to protect the delivery of humanitarian assistance in Albania, constitutes one excellent example of the efficacy of the work of the Security Council, and of the quick reaction of the international community when it comes to helping one of the Members of the Organization. The Albanian people welcomed this intervention at this difficult moment, and on behalf of my Government, I express my deepest gratitude on this occasion. I also express my deepest thanks to the coalition of willing countries participating in this force and providing humanitarian assistance, and to the international organizations and non-governmental organizations involved in humanitarian assistance, providing food and medicaments in these difficult days for Albania.

Thanks to this relief action and to good cooperation with the legitimate authorities in the areas where the international actors are working, the people of my country can see a greater possibility of overcoming this situation, expecting better political solutions from the elections that will be held at the end of June.

Albania is a country with plenty of resources and a hard-working people whose aim is to achieve prosperity within its own borders, rather than to produce waves of refugees and thus create problems for host countries all over the world and sometimes exposing those refugees to mistreatment. With this in mind, we strongly believe that these waves of refugees to neighbouring countries, and other countries as well, are a temporary phenomenon resulting from the historical condition of a long isolation under the cruellest communist dictatorship, as well as from the difficult period of transition to a democratic society and a free-market economy.

I am convinced that the Council, as it has over the past two months, through periodic reports of the Secretary-General and daily contacts with its members, will follow closely the situation in my country to arrive at a definitive and safe solution.

The President: The next speaker is the representative of Zimbabwe. I invite him to take a seat at the Council table and to make his statement.

Mr. Sengwe (Zimbabwe): The issue before the Council today is of the utmost importance, not only to the Organization, but to the international community as a whole. At the heart of international humanitarian assistance are men and women who identify and unconditionally respond to want and need. At the peril of their very lives, humanitarian practitioners have always and selflessly defied the inherent dangers of disasters and calamities, particularly man-made ones such as wars, and made it their mission and mandate to alleviate human suffering by mitigating the effects of war.

Zimbabwe pays tribute to these selfless men and women, who are really the best among us, and laments the fact that we continue to lose some of them, and in increasing numbers lately, as a result not so much of natural calamities but of human irresponsibility, brutality and callousness.

The post-cold-war era has witnessed an unprecedented incidence of civil strife and internal warfare, in which the battle lines are hard or impossible to draw. In this type of strife, more people have been caught in conflict zones, and the targeting of civilians has been rampant. The phenomenon of weak or fragmented state structures, and the resultant redefinition of threats to peace, has given rise to a serious competition between state security and the well-being of citizens.

In response to most, if not all, of these crisis situations, humanitarian organizations have demonstrated a remarkable capacity to mobilize resources quickly. As a result, humanitarian action has too often occurred in a political vacuum. It is important to point out here that humanitarian action cannot be seen as a substitute for political action.

The Security Council, whose mandate it is to maintain international peace and security, should muster or mobilize the requisite political will to address the underlying political dimensions of such crises. This is the most important role of the Security Council, and it represents the best support the Council can ever provide to organizations concerned with the humanitarian dimension of conflicts. Whenever situations are allowed to fester, harm is done to the protection and well-being of endangered people are threatened, and the task of securing a viable and lasting peace is further complicated.

Two basic conditions for the effectiveness of any Security Council action in this regard are that mandates should be appropriate to the tasks, and that the necessary authority and resources should be made available to missions. Half-measures are likely to do more harm than good. It can be argued — and the experiences of Bosnia and Herzegovina, Rwanda and Somalia bear witness to this — that when war strategies are designed to harm civilians, the issue of protection cannot be divorced or disentangled from the dynamics of the conflict. It is neither smart nor sane to send Blue Berets to a conflict to provide protection and to somehow assume that they can remain untouched by the ongoing conflict. The inevitable abuse of "safe havens" by warring parties, together with the culture of violence attendant upon war situations, has often led to the failure of those half-measures, since they fall short of dealing squarely with the dynamics of the conflict.

It is harmful and unhelpful to all when humanitarian action becomes a substitute for political and other action required to resolve conflicts, and is made to operate in a policy vacuum. In such settings, humanitarian action is essentially in a no-win situation, as aid is diverted to assist warring parties, and humanitarian practitioners effectively find themselves on front lines that are considered too dangerous for well-armed peacekeeping troops. A prerequisite for effective humanitarian action, therefore, is respect for the fact that relief has a limited but vital role to play in minimizing suffering and mitigating the effects of war. It has neither the capacity nor the mandate to resolve crises.

Another precondition for effective humanitarianism is respect for its neutrality, impartiality and the overriding imperative to go to the aid of all victims and people in need of assistance. Failure to respect such fundamental norms, including the right of people to receive assistance and the right of humanitarian practitioners to provide it, will jeopardize the lives of people in need, as well as those of humanitarian workers. Similarly, the use of humanitarian assistance as a bargaining tool to achieve political objectives, however worthy, invariably breeds irreconcilable competition between the mandate of the Security Council and that of humanitarian practitioners.

While the mandate of the Security Council and that of humanitarian actors may display a degree of complementarity, it is vitally important to recognize that they are distinctly independent of one another and not interchangeable, and that one cannot substitute for the other. The impression must clearly be portrayed and conveyed in the operation field that humanitarian practitioners are not emissaries of the Security Council and that their mandate does not originate in the Council.

Furthermore, by virtue of the great importance attached to it by all Member States, the question of humanitarian assistance, and the responsibility which all Member States and the international community in general have towards humanitarian actors, must be revisited time and time again by all Member States in the General Assembly, not in the Security Council. The General Assembly debate on the security and protection of United Nations and associated personnel and the pertinent Convention, which was adopted in 1994, are outside the purview of the Security Council.

Just like humanitarian assistance, the question of refugees and internally displaced persons should not be politicized. The Office of the United Nations High Commissioner for Refugees (UNHCR) has performed excellently as a protector of refugees, and its mandate should not be diluted, not even to suit the pattern of zealous reform exercises.

The bottom line is that, in an effort to protect the providers of humanitarian assistance, the Security Council should be careful not to take over or politicize the mandate of humanitarian practitioners; neither should it abrogate its own mandate of maintaining international peace and security by seeking to reassign it to humanitarian actors. By effectively acquitting itself of its mandate through mobilizing adequate political will to deal squarely with the political and military dimensions of conflicts, the Security Council will greatly enhance the safety, security and protection of humanitarian practitioners. This constitutes the basic role of the Security Council in this matter.

The President: The last speaker is the representative of Azerbaijan. I invite him to take a place at the Council table and to make his statement.

Mr. Aliyev (Azerbaijan) (*interpretation from Russian*): Allow me to express our gratitude to you, Sir, for convening this meeting of the Security Council devoted to such an important topical problem.

Most modern-day conflicts are accompanied by acute humanitarian crises, "ethnic cleansing" and the appearance of millions of refugees and displaced persons. This requires an appropriate response from the international community, primarily the taking of preventive action.

It is a given that the Security Council, in carrying out the immediate task of the maintenance of international peace and security, must inevitably deal with acute humanitarian problems in conflict regions. This entails primarily action by the Security Council to facilitate and protect urgent humanitarian assistance to relieve the suffering of the civilian population.

The subject under discussion has many aspects and gives rise to a number of questions, to which it is difficult to give a single answer. If we talk about implementing specific actions in providing humanitarian assistance within the context of peacekeeping operations, there is here, I think, a more or less proper understanding of the level and scope of the task to be undertaken, the degree of complexity involved and the need to allocate appropriate resources. In this context, we have a certain amount of positive experience.

However, there are a number of urgent questions involved in providing protection to humanitarian assistance within peacekeeping operations that have been established by the Security Council. It is a given that the mandates for these operations must be crystal-clear in order most effectively and, if possible, without any loss of humanitarian or peacekeeping operation personnel, to do the job entrusted to them.

I wish to stress in particular that in this respect, it is extremely important that security be provided to the international personnel in charge of the delivery and the protection of humanitarian assistance. Together with this, we need a mechanism whereby the parties to a conflict are made responsible for any disruption in humanitarian activities.

I should also like to heighten the Council's awareness regarding the problem of internally displaced persons, which exists in many conflicts. This question requires serious consideration, particularly in cases where a massive displacement of civilians involves external aggression. Internally displaced persons are particularly keen to return to their homes, and the possibility of their doing so is enhanced by the fact that a return involves no loss of citizenship and that they continue to reside in the territory of their country. We believe that in these cases, the Security Council should take various types of measures — be they political, military or economic — vis-à-vis the aggressor State in order to get it to establish conditions for the eventual return of internally displaced persons. We believe that this would make it possible subsequently to save significant resources from donor countries in regions that are embroiled in protracted armed conflicts and also to avert the threat of the emergence of new humanitarian crisis situations.

With regard to the more general question — the actual humanitarian component of conflict situations as well as the military, political, legal and other aspects of this problem — we must note that in a number of conflicts, the humanitarian aspect has become the main stumbling-block in the settlement process. This factor, together with the nature and genesis of conflicts, requires very serious analysis. Clearly we must adopt a comprehensive, uniform approach to the problem.

In this connection, I should like to support the idea expressed by the Ambassador of Japan, Ambassador

Owada, to the effect that in dealing with conflict situations, we — that is, the international community — must consider all related questions together, including diplomatic actions, ceasefires, the protection of refugees and humanitarian assistance as well as economic restitution and the social rehabilitation of the country. All of these constitute one single comprehensive issue, which must be addressed.

The representative of Armenia who spoke earlier accused my country of every possible mortal sin, including a so-called blockade against his country. He somehow forgot to mention that his country is a neighbour not just of Azerbaijan, but of Iran, Turkey and Georgia as well. What blockade can he be talking about if Armenia is conducting aggression against Azerbaijan and has occupied 20 per cent of the territory of my country and is carrying out "ethnic cleansing" there? It is well known that the total number of displaced persons and refugees in Azerbaijan is 1 million, of which more than 200,000 are Azerbaijanis who have been forcibly ousted from Armenia.

Furthermore, for several years now Armenia itself has been blockading the Nakhichevan area of the Azerbaijani Republic. And as for the Nagorny Karabakh area of Azerbaijan and its population, the way to resolve that problem is well known. The basic principles for settling that conflict were clearly expressed in the statement the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) made at the Lisbon summit in 1996. These principles were supported by all members of the OSCE, with the exception of Armenia. It is highly cynical for Armenia to discuss or ask for humanitarian assistance while it is illegally obtaining more arms than it needs — including the notorious Scud missiles — to the tune of $1 billion.

In conclusion, my delegation would like to note in particular the great importance of the item under discussion today. We express the hope that many of the interesting ideas and useful proposals that have been put forward today in this meeting of the Security Council will be systematized, collated and reflected in a document of the Security Council.

The President: There are no further speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

Before concluding, I would like to express my thanks to all delegations for their kind words addressed to the Foreign Minister of the Republic of Korea and regarding Korea's presidency. I would also like to express thanks to all delegations and representatives of international agencies for their active participation in today's open debate.

The meeting rose at 7.45 p.m.